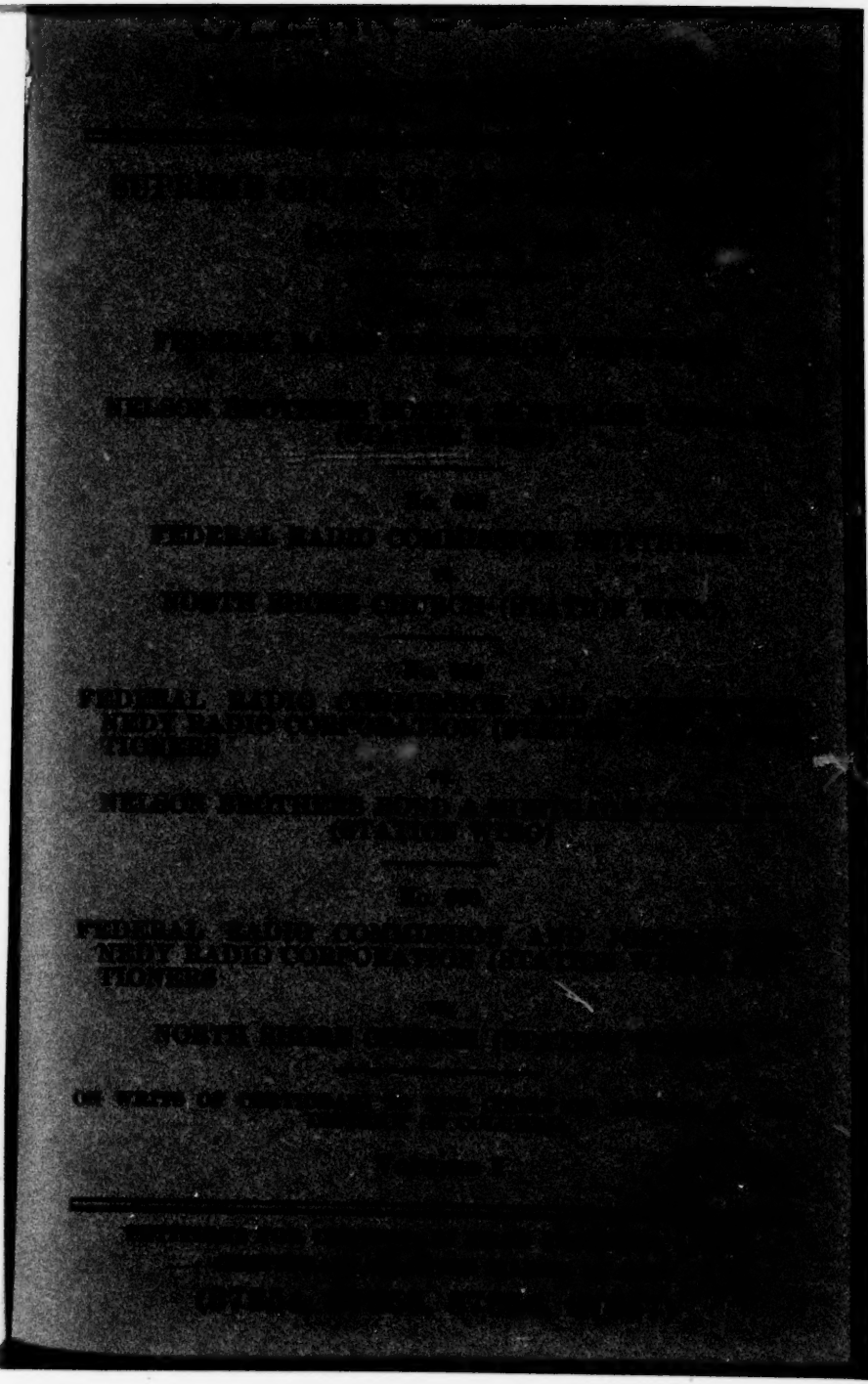

Court of Appeals of the District of Columbia

OCTOBER TERM, 1931

SPECIAL CALENDAR.

No. 5530

NELSON BROTHERS BOND & MORTGAGE COMPANY (STATION WIBO), APPELLANT,

vs.

FEDERAL RADIO COMMISSION, JOHNSON-KENNEDY RADIO CORPORATION, A CORPORATION, INTERVENER; STRAWBRIDGE & CLOTHIER, INTERVENER.

APPEAL FROM THE FEDERAL RADIO COMMISSION.

FILED OCTOBER 24, 1931.

AND

No. 5533

NORTH SHORE CHURCH (STATION WPCC), APPELLANT,

vs.

FEDERAL RADIO COMMISSION, JOHNSON-KENNEDY RADIO CORPORATION, A CORPORATION, INTERVENER; STRAWBRIDGE & CLOTHIER, INTERVENER.

APPEAL FROM THE FEDERAL RADIO COMMISSION.

FILED OCTOBER 27, 1931.

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Court of Appeals of the District of Columbia

No. 5530.

NELSON BROTHERS BOND & MORTGAGE COMPANY (Station WIBO), Appellant,

vs.

FEDERAL RADIO COMMISSION; JOHNSON-KENNEDY RADIO CORPORATION, a Corporation, Intervener; Strawbridge & Clothier, Intervener.

No. 5533.

NORTH SHORE CHURCH (Station WPCC), Appellant,

vs.

FEDERAL RADIO COMMISSION, JOHNSON-KENNEDY RADIO CORPORATION, a Corporation, Intervener; Strawbridge & Clothier, Intervener.

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1 Court of Appeals, District of Columbia. Filed Oct. 24, 1931. Henry W. Hodges, Clerk.

In the Court of Appeals of the District of Columbia.

No. 5530.

NELSON BROTHERS BOND & MORTGAGE COMPANY (Station WIBO), Appellant,

vs.

FEDERAL RADIO COMMISSION, Appellee.

Notice of Appeal.

Now comes Nelson Brothers Bond & Mortgage Company, appellant in the above-entitled proceeding, and states that it is aggrieved by the decision of the Federal Radio Com-

mission rendered on October 16, 1931, effective twenty days from October 16, 1931, which decision was made in re the application of the Johnson-Kennedy Radio Corporation (Station WJKS) of Gary, Indiana, for modification of license (Radio Commission Docket No. 1156), and gives notice of its appeal therefrom to the Court of Appeals of the District of Columbia, assigning in support thereof the following

Statement of Reasons for Appeal.

I.

On September 26, 1930, the Johnson-Kennedy Radio Corporation of Gary, Indiana, (Station WJKS) filed with the Federal Radio Commission an application for modification of its then license and requested a regional frequency of 560 kc., power of 1 KW. night and 1250 watts daytime, with unlimited hours of operation, said frequency, power and hours of operation being then assigned to Nelson Brothers Bond & Mortgage Company (Station WIBO) of Chicago, Illinois, and North Shore Church (Station WPCC) of Chicago, Illinois. Applicant at that time had assignment of frequency of 1360 kc. with power of 1 KW. night and 1250 watts daytime and hours of operation shared with Station WGES of Chicago, Illinois. The application was for the purpose of taking the assigned radio facilities from stations WIBO and WPCC at Chicago, Illinois, and bestowing same upon applicant's station WJKS at Gary, Indiana.

Thereafter the Commission, on October 6, 1930,
2 notified Nelson Brothers Bond & Mortgage Company, appellant herein, that the Commission had examined the application of the Johnson-Kennedy Radio Corporation, and, not being satisfied that public interest, convenience or necessity would be served by granting same, had designated the matter for hearing on April 23, 1931. Such hearing was had and consumed seven days, from April 23 to April 30, 1931, before Ellis A. Yost, the Commission's Chief Examiner. Said Chief Examiner thereafter, on July 28, 1931, filed with the Commission his report, wherein he reviewed the evidence, made findings and recommended as follows:

"In consideration of the foregoing it is recommended that the application of Johnson-Kennedy Radio Corporation for use of the 560 kc. channel now assigned to Stations WIOB and WPCC, be *denied.*"

Thereafter the applicant Johnson-Kennedy Radio Corporation, on August 14, 1931, by its counsel, Mabel Walker Willebrandt, filed exceptions to said examiner's report and requested oral argument in support of its exceptions; and thereafter, on October 16, 1931, without further notice to or hearing of your appellant, the said Commission denied the request of the applicant for oral argument, granted the application of Johnson-Kennedy Radio Corporation for modification of its license, directed the Secretary of the Commission to issue a modified license to said Johnson-Kennedy Radio Corporation authorizing the operation of its station WJKS on the regional frequency of 560 kc. with power of 1 KW. night and 1250 watts daytime and unlimited hours of operation, directed its Secretary to terminate the existing radio broadcasting license theretofore issued to Nelson Brothers Bond & Mortgage Company (Station WIBO) and North Shore Church (Station WPCC) in accordance with the conclusions reached in said decision and the terms and conditions of said licenses, and directed that the order be effective twenty days from the date thereof.

And appellant says that said order is contrary to law.

II.

The Federal Radio Commission, in rendering its
3 decision, made a "Statement of Facts, Grounds for Decision and Order," and appellant says that said statement of facts, in material and substantial parts thereof, is contrary to the testimony and evidence adduced at the hearing before the Examiner, and that the grounds for decision are unsupported by substantial evidence, and that the order is contrary to the evidence, and contrary to the weight of the evidence, and contrary to the substantial evidence and is unsupported in law.

III.

The Federal Radio Commission erred in sustaining the exceptions made by the Johnson-Kennedy Radio Corpora-

tion to the Examiner's report and in reversing the findings of the Examiner without notice to appellant and without affording to appellant an opportunity to be heard, after the hearing and report by the Examiner and prior to its final order granting appellant's regional frequency of 560 kc. to said Johnson-Kennedy Radio Corporation and directing its Secretary to terminate appellant's existing license twenty days after the date of the said order; and in making the said order the Commission acted unreasonably, arbitrarily and capriciously.

IV.

The Federal Radio Commission, in its statement of facts, and the Examiner in his report, find that appellant's station WIBO represents a total cost of $346,362.99, less a reserve for depreciation of $54,627.36, and has been operated since April 1925, with a total monthly operating expenses averaging $17,000, and with a total of 55 persons under employment; and your applicant says that the said order of the Commission destroys appellant's property in and appurtenant to its radio station WIBO, contrary to the Constitution of the United States, or any valid law of the United States, or any regulation or general order of the Commission consistent with law.

V.

The Federal Radio Commission erred in stating as a ground for its decision, that

4 "The granting of this application and deletion of Stations WIBO and WPCC would work a more equitable distribution of broadcasting facilities within the Fourth Zone, in that there would be an increase in the radio broadcasting facilities of Indiana which is now assigned less than its share of such facilities and a decrease in the radio broadcasting facilities of Illinois which is now assigned more than its share of such facilities."

Such ground for decision ignores the fact that Illinois, with respect to regional channels is below the quota determined for it by the Commission and that Indiana has a greater proportion of regional channels, in relation to its determined quota, than has Illinois.

VI.

The Federal Radio Commission erred in stating as a ground for its decision that

"Public interest, convenience and/or necessity would be served by the granting of this application."

Said ground for its decision was unsupported either in law or fact. Said ground for decision and the order made thereon are inconsistent with true public interest, convenience or necessity, by virtue of the fact, established before the Examiner and found by the Examiner, without contrary conclusion by the Commission in its findings, that appellant's station WIBO is meritoriously serving public interest, convenience and necessity on its present assigned regional frequency of 560 kc. already granted to appellant, and which privilege appellant has at great cost prepared itself to exercise and has exercised, and of which privilege said decision and order deprive appellant, with consequent destruction of appellant's property in and appurtenant to its station WIBO.

VII.

Appellant refers to Radio Commission Docket Number 1147, application of the North Shore Church Station (WPCC) for modification of its license, and No. 1104, application of appellant's Station WIBO for modification of its license, reports numbers 188 and 166, respectively, of Yost, Chief Examiner. The Federal Radio Commission decided on June 25, 1931, and September 18, 1931, respectively, that appellant's station WIBO and Station WPCC were serving public interest, convenience and necessity on the present assigned regional frequency of 560 kc.; and appellant states that the Federal Radio Commission herein acted arbitrarily and capriciously in finding, deciding and ordering that appellant's license to use the regional frequency 560 kc. should be terminated twenty days after its said decision, which action of the Commission terminates further operation of appellant's station WIBO in serving public interest, convenience and necessity.

VIII.

The order of the Federal Radio Commission destroys appellant's property in and appurtenant to its Station WIBO

without due process of law, contrary to the Constitution of the United States and contrary to any valid statute or law of the United States properly construed and applicable herein, and contrary to any regulation or general order of the Commission consistent with law; and against the evidence, the weight of the evidence and the substantial evidence; and the order of the Commission is unreasonable, arbitrary and capricious; and save for the stay and reversal of said order by this Honorable Court appellant will be deprived of its property in and appurtenant to its station WIBO, to its immediate and permanent, irrevocable, irremediable and irreperable injury.

NELSON BROTHERS BOND &
MORTGAGE COMPANY,
Appellant,

By LEVI COOKE,
JOHN S. BOYD,
Attorneys.

6 & 7 DISTRICT OF COLUMBIA, *ss:*

Levi Cooke being first duly sworn says that he is attorney for Nelson Brothers Bond & Mortgage Company, appellant herein, and that the foregoing is a true copy of the notice of appeal and reasons therefor to be filed forthwith in the Court of Appeals of the District of Columbia.

LEVI COOKE.

Subscribed and sworn to before me this 24th day of October, 1931.

[Seal Margaret S. Jarvis, Notary Public, District of Columbia.]

MARGARET S. JARVIS,
Notary Public.

The Federal Radio Commission will please take notice that the foregoing notice of appeal and reasons therefor will be filed forthwith in the Court of Appeals of the District of Columbia.

NELSON BROTHERS BOND &
MORTGAGE COMPANY,
Appellant.

By LEVI COOKE,
JOHN S. BOYD,
Attorneys.

Receipt of a copy of the foregoing notice of appeal and reasons therefor is acknowledged this 24th day of October, 1931.

THE FEDERAL RADIO COMMISSION,
By JAMES W. BALDWIN.

8 In the Court of Appeals of the District of Columbia.

No. 5530.

NELSON BROTHERS BOND & MORTGAGE COMPANY (Station WIBO), Appellant,

vs.

FEDERAL RADIO COMMISSION, Appellee.

Petition for Stay.

Now comes the appellant in the above-entitled cause and respectfully shows to this Honorable Court:

1. That pursuant to the Radio Act of 1927, as amended, a notice of appeal and reasons therefor was duly filed in this Court on October 24, 1931.

2. That by decision and order dated October 16, 1931, in the matter of the application of the Johnson-Kennedy Radio Corporation (Station WJKS) of Gary, Indiana, for a modification of its license, (Radio Commission Docket No. 1156), which decision is effective twenty days from the date thereof, the Federal Radio Commission has awarded the Johnson-Kennedy Radio Corporation the regional frequency 560 kc. channel heretofore assigned to appellant at Chicago, Illinois, and has directed the termination of appellant's license to operate its station WIBO. Appellant's station WIBO represents an investment of more than $295,000, and the order of the Commission if executed will destroy appellant's property in and appurtenant to said Station WIBO, without due process of law and contrary to the Constitution and laws of the United States and the Commission's lawful authority.

3. That the nature of the decision of the Federal Radio Commission, the unlawful destruction of property and rights of the appellant and the illegality and irregularity of the proceedings wherein said decision and order were made are fully set out in the notice of appeal and reasons

therefor heretofore filed in the above-entitled cause. The said notice of appeal and reasons therefor are hereby incorporated herein by reference and it is prayed that they be considered a part hereof.

9 4. The execution of said order per its terms will cause irreparable and irremediable injury to the appellant.

Wherefore, the premises being considered, your petitioner being without other remedy, prays this Honorable Court for an order staying the decision of the Federal Radio Commission of October 16, 1931, complained of, pending the determination of the appeal herein, or until the further order of the Court.

NELSON BROTHERS BOND &
MORTGAGE COMPANY,
Appellant,

By LEVI COOKE,
JOHN S. BOYD,
Attorneys.

DISTRICT OF COLUMBIA, *ss:*

Levi Cooke, being first duly sworn, says that he is attorney for Nelson Brothers Bond & Mortgage Company, that he has read the foregoing petition for order staying decision of the Federal Radio Commission of October 16, 1931, and that he verily believes the facts stated in said petition are true.

LEVI COOKE.

Subscribed and sworn to before me this 24th day of October, 1931.

[NOTARIAL SEAL.] MARGARET S. JARVIS,
Notary Public.

Receipt of copy of the foregoing petition for stay order is acknowledged this 24th day of October, 1931.

FEDERAL RADIO COMMISSION,
By JAMES W. BALDWIN.

Endorsed: No. 5530. Nelson Brothers Bond & Mortgage Company, Appellants, vs. Federal Radio Commission, Appellee. Petition for Stay with acknowledgment of service of copy by the Commission. Court of Appeals, District of Columbia. Filed Oct. 24, 1931. Henry W. Hodges, Clerk.

10 & 11 Court of Appeals of the District of Columbia, October Term, 1931.

No. 5530.

NELSON BROTHERS BOND & MORTGAGE COMPANY (Station WIBO), Appellant,

vs.

FEDERAL RADIO COMMISSION.

On consideration of the petition filed in the above entitled cause to stay the decision and order of the Federal Radio Commission of October 16, 1931 (Radio Commission Docket 1156), awarding to the Johnson-Kennedy Radio Corporation the regional frequency 560 kc. channel heretofore assigned to appellant and terminating appellant's license to operate its Station WIBO,

It is ordered by the Court that said petition be and it is hereby granted, and that the decision and order of October 16, 1931, complained of, be and it is hereby stayed pending the determination of this appeal, or until the further order of the Court.

Per MR. CHIEF JUSTICE MARTIN,
October 31, 1931.

Court of Appeals, District of Columbia. Filed Oct. 31, 1931. Henry W. Hodges, Clerk.

12 Court of Appeals, District of Columbia. Filed Nov. 13, 1931. Henry W. Hodges, Clerk.

In the Court of Appeals of the District of Columbia.

No. 5530.

NELSON BROTHERS BOND & MORTGAGE COMPANY (Station WIBO), Appellant,

vs.

FEDERAL RADIO COMMISSION, Appellee.

Notice of Intention to Intervene, and Statement of Interest.

Comes now Johnson-Kennedy Radio Corporation, a corporation organized and existing under the laws of the State

of Indiana, by its attorneys, and pursuant to Section 16(c) of the Radio Act of 1927, as amended, files this, its notice of intervention and statement of interest in the above entitled cause, respectfully showing unto this Honorable Court as follows:

1. The said cause is an appeal under Section 16 of the Radio Act, as amended, from a decision of the Federal Radio Commission of October 16, 1931, Docket No. 1156, in which appellant complains of the Order of the Federal Radio Commission granting the application of Johnson-Kennedy Radio Corporation for Modification of Station License and terminating the existing Radio broadcasting license heretofore issued by the Federal Radio Commission to Nelson Brothers Bond & Mortgage Company.

2. Intervenor is the sole owner, licensee and operator of Johnson-Kennedy Radio Corporation (Station WJKS) located at Gary, Indiana, and is duly authorized to operate said station on a frequency of 1360 kc., with a power output of 1250 watts daytime and 1 KW. night time sharing time with Station WGES—Station WJKS being authorized to use four-seventh- time and Station WGES the remaining three-seventh. Intervenor was the applicant in the proceeding before the Commission from whose decision the appeal was taken in the above entitled cause.

13 3. Intervenor is interested in the appeal in said cause to the extent that a reversal or modification of the decision complained of by appellant would aggrieve it and adversely affect its interests as follows:

(a) Intervenor's Station, WJKS, now renders an excellent public service in the Calumet region and the reversal or modification of the Commission's decision would render it impossible to further extend and enlarge upon that service.

(b) Objectionable interference is now experienced within the service area of Intervenor's Station WJKS through the operation of other Stations on the same and adjacent frequencies and a reversal or modification of the Commission's decision, by which such objectionable interference will be in a large part overcome, will be impossible.

(c) The reversal or modification of the Commission's decision would be contrary to the spirit and intent of Section 9 of the Radio Act of 1927, as amended, in that the decision

has the effect of making a more equitable distribution of broadcasting facilities within the Fourth Zone.

JOHNSON-KENNEDY RADIO CORPORATION,
JOHNSON-KENNEDY RADIO CORP.,
Intervenor,
By MABEL WALKER WILLEBRANDT,
MABEL WALKER WILLEBRANDT,
WM. MONTGOMERY SMITH,
WM. MONTGOMERY SMITH,
Attorneys.

14 & 15 DISTRICT OF COLUMBIA, *ss:*

Wm. Montgomery Smith, being first duly sworn, upon his oath deposes and says that he is one of the attorneys for Johnson-Kennedy Radio Corporation, and its duly authorized agent in this behalf; that he has read the foregoing notice of intention to intervene and statement of interest and knows the contents thereof; and that the statements therein are true of his own knowledge, except statements upon information and belief which he verily believes to be true.

WM. MONTGOMERY SMITH.

Subscribed and sworn to before me this 13th day of November, 1931.

[Seal of Louise S. Dellett, Notary Public, District of Columbia.]

LOUISE S. DELLETT,
Notary Public.

My Commission Expires Aug. 28, 1933.

To: Levi Cooke, Esq., Union Trust Building, Attorney for Appellant; Honorable Thad H. Brown, General Counsel, Federal Radio Commission:

Please take notice that the foregoing notice of intention to intervene and statement of interest will be filed forthwith in the Court of Appeals of the District of Columbia.

JOHNSON-KENNEDY RADIO CORPORATION,
JOHNSON-KENNEDY RADIO CORP.,
Intervenor,
By MABEL WALKER WILLEBRANDT,
MABEL WALKER WILLEBRANDT,
WM. MONTGOMERY SMITH,
WM. MONTGOMERY SMITH,
Attorneys.

Receipt of a true copy of the foregoing notice of intention to intervene and statement of interest is hereby acknowledged.

Copy received, November 13th, 1931.

LEVI COOKE,
LEVI COOKE,
Attorney for Appellant.

Copy received, November —, 1931.

JAMES W. BALDWIN,
Secretary Radio Commission.

16 Court of Appeals, District of Columbia. Filed Nov. 14, 1931. Henry W. Hodges, Clerk.

In the Court of Appeals of the District of Columbia.

No. 5530

NELSON BROTHERS BOND & MORTGAGE COMPANY (Station WIBO), Appellant,

v.

FEDERAL RADIO COMMISSION, Appellee.

Notice of Intention of Strawbridge & Clothier to Intervene.

Now comes Strawbridge & Clothier and gives notice that it intends to intervene in this case, and that it is an inter-

ested party and entitled to participate in the proceedings to be had upon this appeal.

STRAWBRIDGE & CLOTHIER,
By BETHUEL M. WEBSTER, JR.,
BETHUEL M. WEBSTER, JR.,
PAUL M. SEGAL,
PAUL M. SEGAL,
Its Attorneys.

17 *Verified Statement Showing the Nature of Interest of Intervener.*

WASHINGTON,
District of Columbia, ss:

Paul M. Segal, being sworn, says he is one of the attorneys for intervener, Strawbridge & Clothier, a corporation; and that:

Said Corporation has its principal place of business at Philadelphia in Pennsylvania, and none of the officers thereof resides within the District of Columbia or is now present therein.

The following are the facts showing the nature of interest of intervener in this appeal:

Strawbridge & Clothier owns and operates WFI, a broadcasting station at Philadelphia, operating at 560 kc. with 500 watts, sharing time with WLIT.

September 27, 1930, WFI applied to the Federal Radio Commission for modification of its license to increase power to 1 kw. Pursuant to the rules and regulations of the Commission, WFI filed its written appearance and statement of the facts it intended to prove March 11, 1931. Upon such application and pleading hearing was held April 2, 1931. May 2, 1931, the Chief Examiner of the Commission, before whom such hearing had been held, submitted his report of the testimony and of his findings and conclusions, and recommended that said application be granted in part. June 18, 1931, the Commission denied the application entirely. July 2, 1931, WFI noted its appeal to this Court, *Strawbridge & Clothier, appellant,* v. *Federal Radio Commission,* No. 5436. The record was printed October 27, 1931.

Operating upon the same frequency as WFI are two stations in Chicago which share time, WIBO and WPCC.

Of these WIBO has a power of 1000 watts and WPCC has a power of 500 watts. The distance between Philadelphia and Chicago is 670 miles.

According to the provisions of the Commission's General Order 92, enacted June 17, 1930, WFI is in an under-quota state in an under-quota zone. Similarly WIBO and WPCC are in an over-quota state in an under-quota zone.

18 As one of its reasons for denying the application of WFI the Commission gave:

"If this application were granted objectionable interference would result from the operation of the applicant's station as proposed and stations now operating upon the requested frequency." (5436 R. 29.)

Anticipating the possibility of such finding, WFI had stated in filing its appearance:

"If such interpretation of General Order 102 becomes material in this matter, applicant is prepared to show that the power of each of said respondents (including WIBO and WPCC) should be reduced to the extent necessary for the equalization of such quota assignments and/or the reduction or prevention of heterodyne interference." (5436 R. 40.)

At WFI's hearing evidence in support thereof was introduced. (e. g. 5436 R. 90, 96, 102.)

One of the errors assigned by WFI in its appeal is:

"The Commission erred in failing to find that since Pennsylvania is an under quota state in an under quota zone, in order to achieve a greater equality in accordance with the Act approved March 28, 1928, and with General Order 102 it should increase the power of WFI to 1000 watts and at the same time and for the same purpose reduce the power of WQAM, WIBO and WNOX. It failed to find specifically that this issue was squarely and clearly raised in paragraph G of appellant's Appearance, Statement and Affidavit, of which each station had due notice and an opportunity to be heard on clearly defined issues." (5436 R. 12.)

Notwithstanding the pendency of the above application and the determination of the issues thereunder and the Commission's ruling thereon, the Johnson-Kennedy Radio

Corporation of Gary, Indiana, owner and operator of WJKS, 1360 kc., as a culmination of a series of amendments to an application, on February 16, 1931, finally applied for modification of its license to change its frequency to 560 kc. and to use the facilities of WIBO and WPCC and to delete those stations.

WJKS operates with 1000 watts.

Under the provisions of General Order 92 WJKS is located in an underquota state.

19 Notwithstanding the matters here set forth the Commission conducted a hearing upon this application of WJKS April 23 to 30, 1931, without any notice to WFI of the pendency of the application or of the hearing, and without any opportunity for WFI to be heard. July 28, 1931, the Chief Examiner of the Commission reported the evidence, his findings and conclusions, and recommended that the application of WJKS be denied.

October 16, 1931, the Commission, without notice or hearing or opportunity to be heard to WFI, and without consideration of the rights of WFI, reversed its Chief Examiner and granted the application of WJKS.

Gary is 648 miles from Philadelphia. According to the Commission's statement, released September 25, 1931, (Mimeograph No. 5427), the mileage separation recommended between two stations operating at night with powers respectively of 1 kw. and 500 watts is 1050 miles, in order to minimize objectionable interference in the good service areas of the stations.

The effect of the granting of the application was to lessen the distance between Philadelphia and the transmitter to be licensed to use the facilities of WIBO-WPCC, and to increase the power there used from 500 watts to 1000 watts during that portion of the week theretofore assigned for operation of WPCC, and moreover, in effect, to tend to defeat the contention of WFI that the facilities on its frequency used in Illinois should be so diminished as to permit the granting of its own application pursuant to the showing made at its hearing and according to the provisions of Section 5 of General Order 102, as follows:

"An applicant from an under-quota state in an under-quota zone may apply either for facilities in use in an

over-quota state in that zone or an over-quota state in an over-quota zone." (5436 R. 16),

all without notice, opportunity to be heard, or hearing to WFI and beyond the power and authority of the Federal Radio Commission, contrary to the guarantees of the Fifth Amendment to the Constitution of the United States and of the Radio Act of 1927 as amended.

PAUL M. SEGAL.
PAUL M. SEGAL.

20 & 21 Subscribed and sworn to before me, a Notary Public in and for the District of Columbia, this 14th day of November, 1931.

My commission will expire Nov. 5, 1932.

[Seal of Carolyn G. Groff, Notary Public, District of Columbia. My commission expires ——.]

CAROLYN G. GROFF,
Notary Public.

Proof of Service.

We acknowledge service of true copies of the foregoing notice and statement this 14th day of November, 1931.

LEVI COOKE,
LEVI COOKE,
L. M.
JOHN S. BOYD,
JOHN S. BOYD,
L. M.
Attorneys for Appellant,
THAD H. BROWN,
General Counsel,
Federal Radio Commission.
F. S.

22 Court of Appeals, District of Columbia. Filed Oct. Oct. 27, 1931. Henry W. Hodges, Clerk.

In the Court of Appeals of the District of Columbia.

No. 5533.

NORTH SHORE CHURCH (Station WPCC), Appellant,

vs.

FEDERAL RADIO COMMISSION, Appellee.

Notice of Appeal.

Now comes North Shore Church, Appellant in the above-entitled proceeding, and states that it is aggrieved by the decision of the Federal Radio Commission rendered on October 16, 1931, effective twenty days from October 16, 1931, which decision was made in re the application of the Johnson-Kennedy Radio Corporation (Station WJKS) of Gary, Indiana, for modification of license (Radio Commission Docket No. 1156), and gives notice of its appeal therefrom to the Court of Appeals of the District of Columbia, assigning in support thereof the following.

Statement of Reasons for Appeal.

I.

On September 26, 1930, the Johnson-Kennedy Radio Corporation of Gary, Indiana, (Station WJKS) filed with the Federal Radio Commission an application for modification of its then license and requested a regional frequency of 560 kc., power of 1 KW. night and 1250 watts daytime, with unlimited hours of operation, said frequency, power and hours of operation being then assigned to Nelson Brothers Bond & Mortgage Company (Station WIBO) of Chicago, Illinois, and North Shore Church (Station WPCC) of Chicago, Illinois. Applicant at that time had assignment of frequency of 1360 kc., with power of 1 KW. night and 1250 watts daytime and hours of operation shared with Station WGES of Chicago, Illinois. The application was for the purpose of taking the assigned radio facilities from Stations WIBO and WPCC at Chicago, Illinois, and bestowing same upon applicant's station WJKS at Gary, Indiana.

23 Thereafter the Commission, on October 6, 1930, notified the North Shore Church, appellant herein, that the Commission had examined the application of Johnson-Kennedy Radio Corporation, and, not being satisfied that public interest, convenience or necessity would be served by granting same, had designated the matter for hearing on April 23, 1931. Such hearing was had and consumed seven days, from April 23 to April 30, 1931, before Ellis A. Yost, the Commission's Chief Examiner. Said Chief Examiner thereafter, on July 28, 1931, filed with the Commission his report, wherein he reviewed the evidence, made findings and recommended as follows:

"In consideration of the foregoing it is recommended that the application of Johnson-Kennedy Radio Corporation for use of the 560 kc. channel now assigned to Stations WIBO and WPCC, *be denied.*"

Thereafter the applicant Johnson-Kennedy Radio Corporation, on August 14, 1931, by its counsel, Mabel Walker Willebrandt, filed exceptions to said Examiner's report and requested oral argument in support of its exceptions; and thereafter, on October 16, 1931, without further notice to or hearing of your appellant, the said Commission denied the request of the applicant for oral argument, granted the application of Johnson-Kennedy Radio Corporation for modification of its license, directed the Secretary of the Commission to issue a modified license to said Johnson-Kennedy Radio Corporation authorizing the operation of its Station WJKS on the regional frequency of 560 kc., with power of 1 KW. night and 1250 watts daytime and unlimited hours of operation, directed its Secretary to terminate the existing radio broadcasting licenses theretofore issued to Nelson Brothers Bond & Mortgage Company (Station WIBO) and North Shore Church (Station WPCC) in accordance with the conclusions reached in said decision and the terms and conditions of said licenses, and directed that the order be effective twenty days from the date thereof.

And appellant says that said order is contrary to law.

24 II.

Appellant says that the Federal Radio Commission made a "Statement of Facts, Grounds for Decision and Order." Respecting material parts thereof, the Commission found

facts and reached grounds for decision contrary to the testimony, proofs and evidence presented at the hearing before the Examiner and the said grounds for decision lack support in the substantial evidence adduced on the hearing and are contrary to the evidence, the weight of the evidence and the substantial evidence.

III.

The Federal Radio Commission in making its "Statement of Facts, Grounds for Decision and Order" acted arbitrarily, capriciously and unreasonably in that with respect to the exceptions mentioned in the foregoing reason No. I, it stated as follows:

"With many of the applicant's exceptions, and the objections to certain findings of the Examiner contained therein, the Commission is in agreement. With much of the matter recited in said exceptions, the Commission is not in accord."

And appellant says that in filing said exceptions applicant prayed for oral hearing and the Commission without notice to appellant or hearing on said exceptions made its findings, grounds for decision and order reversing the Examiner's recommendation and without specification of the exceptions sustained or the reasons therefor, and in the making of said order acted unreasonably, arbitrarily and capriciously all to the denial of the rights of appellant.

IV.

The Federal Radio Commission in its statement of facts and likewise the Examiner failed to make findings as to the worth and value of appellant's fixed assets in its Radio Station WPCC, and appellant says that the evidence disclosed its possession of a valuable radio transmission station in connection with its church property, and appellant says that the order of the Commission destroys appellant's property existing in and relating to its radio station WPCC contrary to the Constitution of the United States, the laws of the United States or any proper regulations or regulatory orders of the Commission consistent with law.

V.

The Federal Radio Commission stated as a ground for its decision that the granting of Johnson-Kennedy Radio Company's application and the deletion of Station WIBO and Station WPCC would work a more equitable distribution of broadcasting facilities within the Fourth Zone by increasing the radio broadcasting facilities of Indiana which is now assigned less than its share of such facilities, and decreasing the radio broadcasting facilities of Illinois to which is now assigned more than its share of such facilities.

Appellant says that such ground for decision is erroneous because appellant's station operates upon the regional frequency under its present license of 560 kc. and is one of the several regional stations licensed in Illinois to which regional facilities have been assigned, and says that the Radio Commission ignored its own orders and tabulations regarding assignment of facilities to the several States in reaching the aforesaid ground of decision, the facts being that under the Commission's assignment of regional facilities to the several States and allocation thereof among the States, the State of Illinois is under quota and has in use but little more than half of the total regional facilities assigned to said State, while the State of Indiana exceeds the State of Illinois in the proportion of regional facilities actually in use in said State of Indiana, the latter State in fact having only slightly less than two-thirds of its assigned quota of regional facilities in use therein. And the appellant says that said ground for decision is contrary to any legal application of any law in attempted equalization of radio facilities between Illinois and Indiana, and is a conclusion contrary to any law in this regard, and contrary to any existing facts. And for further reason appellant says that during the pendency of this proceeding and in disregard of the premises of its action herein and the ground of decision last mentioned as justification therefor the Federal Radio Commission has added to the radio facilities assigned to the State of Illinois by increasing the facilities of other stations within the said State of
26 Illinois and in the Fourth Zone, although said additional assignments have not yet equalized the facilities assigned respectively to Illinois and to Indiana in ratio to their designated quotas, and appellant says that

the Commission's above asserted ground of decision for its order deleting and terminating appellant's Station WPCC is unreasonable, capricious and arbitrary, and unlawfully discriminatory as against appellant's privileges, rights and property.

And further appellant says that Commission's entire procedure, to the supposed end of equalization, even if such equalization were justified on the facts in this cause, in entertaining the application of Johnson-Kennedy Radio Corporation whereby the latter corporation seeks to select the facility in Illinois, to wit, the regional frequency 560 kc. and secure its transfer by the Commission from appellant's station WPCC to applicant's station WJKS at Gary, Indiana, is contrary to law and contrary to proper administration by public authority in that it constitutes a substitution for or a limitation of the Commission's proper discretion and judgment in administering a public law for public purposes, by making the procedure dependent upon the primary action of a private person or corporation in selecting the facility for transfer to such private person or corporation's possession and use, and the consequent confiscation, expropriation and destruction in the hands of its present owner of the facility thus transferred.

VI.

The Federal Radio Commission found as a ground for its decision that "public interest, convenience, and/or necessity would be served by the granting of this application". And appellant says that such finding is contrary to the evidence in that by corollary effect the termination of its license and operation of its Station WPCC would end its service for public interest, convenience and necessity, all of which have been found to exist in the operation of said station by the Federal Radio Commission in several prior proceedings of the Commission relating to appellant's station,
27 which has been in existence for a period of more than seven years; and asserts that in accordance with the record in this cause and the finding of the Examiner herein the Federal Radio Commission found that,

"Although the Calumet area is served by Station WOWO, Fort Wayne and several stations in Chicago, Station WJKS is the only station located in this regions which serves a

substantial portion of the area with excellent or even good service."

Wherefore, appellant says that applicant's Station WJKS is, under its present assignment of 1360 kc. competent to deliver excellent or good service so far as frequency and watts are concerned to a substantial portion of the area in the Calumet district, and appellant says that the Commission's order in destroying appellant's Station WPCC on the alleged ground of decision that the public interest, convenience and necessity would be served by the granting of this application in asserted improvement of applicant's present facilities is unreasonable, arbitrary, capricious and discriminatory and without cause or justification in fact or law. Appellant further states that the Federal Radio Commission in its report has made statements which are contrary to the evidence and which contradict the statement of facts shown in the reports of said Federal Radio Commission, dated June 25, 1931, and September 18, 1931, concerning the distinct and commendable service of appellant's Radio Station. The following language was used in its report of June 24, 1931, Docket 1104, sustaining Chief Examiner Yosts's decision in favor of WPCC in another case,

"Respondent station WPCC is now rendering a good radio broadcasting service and one which serves a distinct purpose in this area."

In another report during the pendency of this cause and as late as September 18, 1931, the Radio Commission in the case of WPCC vs. WIBO, Docket No. 1147, declared, "The type of programs offered by Station WPCC is commendable."

Appellant further states that out of more than twenty radio stations broadcasting in the Chicago area, Station WPCC is the only distinc*it*vely religious station broadcasting religious programs on Sunday evenings; and furthermore that while more than twenty other radio stations broadcast from Monday to Saturday an aggregate of
28 *of* more than 600 evening hours, there are no week-day evening programs of religious character, except one hour each week broadcast by appellant over Radio Station WIBO, which hour is used on a division of time arrangement between Stations WPCC and WIBO using the

560 kc channel. And appellant says that the Commission has erred in finding any duplication of appellant's service in Chicago, Illinois, with respect to religious broadcasting during evening hours.

VIII.

The order of the Federal Radio Commission destroys the property and investment of the North Shore Church, appellant herein, in and relating to its Station WPCC without due process of law, contrary to the Constitution of the United States, contrary to any statute or law of the United States, and contrary to any regulations, general order or proper procedure of the Federal Radio Commission consistent with law, is against the evidence, the weight of the evidence, and the substance of the evidence, and is unreasonable, arbitrary, capricious and confiscatory. And appellant says that except for an immediate stay of said order, review of the cause and reversal of said order by this Honorable Court, said North Shore Church, appellant herein, will be deprived of its property and rights in law to its irreparable and irremediable damage and injury.

NORTH SHORE CHURCH,
Appellant,

By LEVI COOKE,
EDWARD CLIFFORD,
Attorneys.

29 & 30 DISTRICT OF COLUMBIA, *ss:*

Levi Cooke being first duly sworn says that he is attorney for North Shore Church, appellant herein, and that the foregoing is a true copy of the notice of appeal and reasons therefor to be filed forthwith in the Court of Apeals of the District of Columbia.

LEVI COOKE.

Subscribed and sworn to before me this 27th day of October, 1931.

[Seal of Louise F. Dyer, Notary Public, District of Columbia.]

LOUISE F. DYER,
Notary Public, D. C.

The Federal Radio Commission will please take notice that the foregoing notice of appeal and reasons therefor will

be filed forthwith in the Court of Appeals of the District of Columbia.

NORTH SHORE CHURCH,
By LEVI COOKE,
EDWARD CLIFFORD,
Attorneys.

Receipt of a copy of the foregoing notice of appeal and reasons therefor is acknowledged this 27th day of October, 1931.

THE FEDERAL RADIO COMMISSION,
By JAMES W. BALDWIN.

31 In the Court of Appeals of the District of Columbia.

No. 5533.

NORTH SHORE CHURCH, Appellant,

vs.

FEDERAL RADIO COMMISSION, Appellee.

Petition for Stay

Now comes the appellant in the above-entitled cause and respectfully shows to this Honorable Court:

1. That pursuant to the Radio Act of 1927, as amended, a notice of appeal and reasons therefor was duly filed in this Court on Ooctober 27, 1931.

2. That by decision and order dated October 16, 1931, in the matter of the application of the Johnson-Kennedy Radio Corporation (Station WJKS) of Gary, Indiana, for a modification of its license, (Radio Commission Docket No. 1156), which decision is effective twenty days from the date thereof, the Federal Radio Commission has awarded the Johnson-Kennedy Radio Corporation the regional frequency 560 kc channel heretofore assigned to appellant at Chicago, Illinois, and has directed the termination of appellant's license to operate its Station WPCC. Appellant's Station WPCC represents a large fixed investment and is of large intangible value in its special field and the order of the Commission if executed will destroy appellant's property in and appurtenant to said Station WPCC, without due process of law and contrary to the Constitu-

tion and laws of the United States and the Commission's lawful authority.

3. That the nature of the decision of the Federal Radio Commission, the unlawful destruction of property and rights of the appellant and the illegality and irregularity of the proceedings wherein said decision and order were made are fully set out in the notice of appeal and reasons therefor heretofore filed in the above-entitled cause. The said notice of appeal and reasons therefor are hereby incorporated herein by reference and it is prayed that they be considered a part hereof.

32 4. The execution of said order per its terms will cause irreparable and irremediable injury to the appellant.

Wherefore, the premises being considered, your petitioner being without other remedy, prays this Honorable Court for an order staying the decision of the Federal Radio Commission of October 16, 1931, complained of, pending the determination of the appeal herein, or until the further order of the Court.

NORTH SHORE CHURCH,
Appellant,
By LEVI COOKE,
EDWARD CLIFFORD,
Attorneys.

DISTRICT OF COLUMBIA, *ss:*

Levi Cooke, being first duly sworn, says that he is attorney for North Shore Church, and that he has read the foregoing petition for order staying decision of the Federal Radio Commission of October 16, 1931, and that he verily believes the facts stated in said petition are true.

LEVI COOKE.

Subscribed and sworn to before me this 27th day of October, 1931.

[NOTARIAL SEAL.] LOUIS F. DYER,
Notary Public, D. C.

Receipt of copy of the foregoing petition for stay order is acknowledged this 27th day of October, 1931.

FEDERAL RADIO COMMISSION,
By JAMES W. BALDWIN.

Endorsed: No. 5533 North Shore Church, Appellant, vs. Federal Radio Commission, Appellee. Petition for stay

of decision and order of Federal Radio Commission. Court of Appeals District of Columbia, Filed Oct. 27, 1931 Henry W. Hodges, Clerk.

33 Court of Appeals of the District of Columbia,
October Term, 1931.

No. 5533.

North Shore Church (Station WPCC), Appellant,

vs.

Federal Radio Commission.

On consideration of the petition filed in the above entitled cause to stay the decision and order of the Federal Radio Commission of October 16, 1931 (Radio Commission Docket 1156), awarding to the Johnson-Kennedy Radio Corporation the regional frequency 560 ke channel heretofore assigned to appellant and terminating appellant's license to operate its Station WPCC,

It is ordered by the Court that said petition be and it is hereby granted, and that the decision and order of October 16, 1931, complained of, be and it is hereby stayed pending the determination of this appeal, or until the further order of the Court.

Per Mr. Chief Justice MARTIN,
October 31, 1931.

[Endorsed:] No. 5533. Court of Appeals of the District of Columbia. Stay Order. Court of Appeals, District of Columbia. Filed Oct. 31, 1931.

HENRY W. HODGES,
Clerk.

34 In the Court of Appeals of the District of Columbia.

No. 5533

North Shore Church, Station WPCC, Appellant,

vs.

Federal Radio Commission, Appellee.

Notice of Intention to Intervene, and Statement of Interest.

Comes now Johnson-Kennedy Radio Corporation, a corporation organized and existing under the laws of the

State of Indiana, by its attorneys, and pursuant to Section 16(c) of the Radio Act of 1927, as amended, files this, its notice of intervention and statement of interest in the above entitled cause, respectfully showing unto this Honorable Court as follows:

1. The said cause is an appeal under Section 16 of the Radio Act, as amended, from a decision of the Federal Radio Commission of October 16, 1931, Docket No. 1156, in which appellant complains of the Order of the Federal Radio Commission granting the application of Johnson Kennedy Radio Corporation for Modification of Station License and terminating the existing Radio broadcasting license heretofore issued by the Federal Radio Commission to North Shore Church.

2. Intervenor is the sole owner, licensee and operator of Johnson-Kennedy Radio Corporation (Station WJKS) located at Gary, Indiana, and is duly authorized to operate said station on a frequency of 1360 kc., with a power output of 1250 watts daytime and 1 KW night time sharing time with Station WGES, WJKS being authorized to use four-seventh time and Station WGES the remaining three-seventh. Intervenor was the applicant in the proceeding before the Commission from whose decision the appeal was taken in the above entitled cause.

3. Intervenor is interested in the appeal in said cause to the extent that a reversal or modification of the decision complained of by appellant would aggrieve it and adversely affect its interests as follows:

35 (a) Intervenor's Station, WJKS, now renders an excellent public service in the Calumet region and the reversal or modification of the Commission's decision would render it impossible to further extend and enlarge upon that service.

(b) Objectionable interference is now experienced within the service area of Intervenor's Station WJKS through the operation of other Stations on the same and adjacent frequencies and a reversal or modification of the Commission's decision, by which such objectionable interference will be in a large part overcome, will be impossible.

(c) The reversal or modification of the Commission's decision would be contrary to the spirit and intent of Section 9 of the Radio Act of 1927, as amended, in that the decision has the effect of making a more equitable distribution of broadcasting facilities within the Fourth Zone.

JOHNSON-KENNEDY RADIO CORPORATION,
JOHNSON-KENNEDY RADIO CORP.,
Intervenor,
MABEL WALKER WILLEBRANDT,
By MABEL WALKER WILLEBRANDT,
WM. MONTGOMERY SMITH,
WM. MONTGOMERY SMITH,
Attorneys.

36 DISTRICT OF COLUMBIA, *ss:*

Wm. Montgomery Smith, being first duly sworn, upon his oath deposes and says that he is one of the attorneys for Johnson-Kennedy Radio Corporation, and its duly authorized agent in this behalf; that he has read the foregoing notice of intention to intervene and statement of interest and knows the contents thereof; and that the statements therein are true of his own knowledge, except statements upon information and belief which he verily believes to be true.

WM. MONTGOMERY SMITH.
WM. MONTGOMERY SMITH.

Subscribed and sworn to before me this 13th day of November, 1931.

[SEAL] LOUISE S. DELLETT,
Notary Public, D. C.

My Commission Expires Aug. 28, 1933.

To Levi Cooke, Esq., Union Trust Building and Edward Clifford, Esq., Union Trust Building, Attorneys for Appellant; Honorable Thad H. Brown, General Counsel, Federal Radio Commission:

Please take notice that the foregoing notice of intention to intervene and statement of interest will be filed forth-

with in the Court of Appeals of the District of Columbia.

JOHNSON-KENNEDY RADIO CORPORATION,
JOHNSON-KENNEDY RADIO CORP.,
Intervenor,
MABEL WALKER WILLEBRANDT,
By MABEL WALKER WILLEBRANDT,
WM. MONTGOMERY SMITH,
WM. MONTGOMERY SMITH,
Attorneys.

37 & 38 Receipt of a true copy of the foregoing notice of intention to intervene and statement of interest is hereby acknowledged.

Copy received November 13th, 1931.

LEVI COOKE,
LEVI COOKE,
EDWARD CLIFFORD,
EDWARD CLIFFORD,
Attorneys for Appellant.

Copy received November —, 1931.

JAMES W. BALDWIN,
Secretary Federal Radio Commission.

Court of Appeals, District of Columbia. Filed Nov. 13, 1931. Henry W. Hodges, Clerk.

39 Court of Appeals, District of Columbia. Filed Nov. 14, 1931. Henry W. Hodges, Clerk.

In the Court of Appeals of the District of Columbia.

No. 5533.

NORTH SHORE CHURCH (Station WPCC), Appellant,

v.

FEDERAL RADIO COMMISSION, Appellee.

Notice of Intention of Strawbridge & Clothier to Intervene.

Now comes Strawbridge & Clothier and gives notice that it intends to intervene in this case, and that it is an inter-

ested party and entitled to participate in the proceedings to be had upon this appeal.

STRAWBRIDGE & CLOTHIER,
BETHUEL M. WEBSTER, JR.,
By BETHUEL M. WEBSTER, JR.,
PAUL M. SEGAL,
PAUL M. SEGAL,
Its Attorneys.

40 *Verified Statement Showing the Nature of Interest of Intervener.*

WASHINGTON,
District of Columbia, ss:

Paul M. Segal, being sworn, says he is one of the attorneys for intervener, Strawbridge & Clothier, a corporation; and that:

Said Corporation has its principal place of business at Philadelphia in Pennsylvania, and none of the officers thereof resides within the District of Columbia or is now present therein.

The following are the facts showing the nature of interest of intervener in this appeal:

Strawbridge & Clothier owns and operates WFI, a broadcasting station at Philadelphia, operating at 560 kc. with 500 watts, sharing time with WLIT.

September 27, 1930, WFI applied to the Federal Radio Commission for modification of its license to increase power to 1 kw. Pursuant to the rules and regulations of the Commission, WFI filed its written appearance and statement of the facts it intended to prove March 11, 1931. Upon such application and pleading hearing was held April 2, 1931. May 2, 1931, the Chief Examiner of the Commission, before whom such hearing had been held, submitted his report of the testimony and of his findings and conclusions, and recommended that said application be granted in part. June 18, 1931, the Commission denied the application entirely. July 2, 1931, WFI noted its appeal to this Court, *Strawbridge & Clothier, appellant,* v. *Federal Radio Commission,* No. 5436. The record was printed October 27, 1931.

Operating upon the same frequency as WFI are two stations in Chicago which share time, WIBO and WPCC. Of these WIBO has a power of 1000 watts and WPCC has a

power of 500 watts. The distance between Philadelphia and Chicago is 670 miles.

According to the provisions of the Commission's General Order 92, enacted June 17, 1930, WFI is in an under-quota state in an under-quota zone. Similarly WIBO and WPCC are in an over-quota state in an over-quota zone.

41 As one of its reasons for denying the application of WFI the Commission gave:

"If this application were granted objectionable interference would result from the operation of the applicant's station as proposed and stations now operating upon the requested frequency." (5436 R. 29.)

Anticipating the possibility of such finding, WFI had stated in filing its appearance:

"If such interpretation of General Order 102 becomes material in this matter, applicant is prepared to show that the power of each of said respondents (including WIBO and WPCC) should be reduced to the extent necessary for the equalization of such quota assignments and/or the reduction or prevention of heterodyne interference." (5436 R. 40.)

At WFI's hearing evidence in support thereof was introduced. (e. g., 5436 R. 90, 96, 102.)

One of the errors assigned by WFI in its appeal is:

"The Commission erred in failing to find that since Pennsylvania is an under quota state in an under quota zone, in order to achieve a greater equality in accordance with the Act approved March 28, 1928, and with General Order 102 it should increase the power of WFI to 1000 watts and at the same time and for the same purpose reduce the power of WQAM, WIBO and WNOX. It failed to find specifically that this issue was squarely and clearly raised in paragraph G of applicant's Appearance, Statement and Affidavit, of which each station had due notice and an opportunity to be heard or clearly defined issues." (5436 R. 12.)

Notwithstanding the pendency of the above application and the determination of the issues thereunder and the Commission's ruling thereon, the Johnson-Kennedy Radio Corporation of Gary, Indiana, owner and operator of WJKS, 1360 kc., as a culmination of a series of amendments to an application, on February 16, 1931, finally applied for modification of its license to change its frequency to 560 kc.

and to use the facilities of WIBO and WPCC and to delete those stations.

WJKS operates with 1000 watts.

Under the provisions of General Order 92 WJKS is located in an under-quota state.

42 Notwithstanding the matters here set forth the Commission conducted a hearing upon this application of WJKS April 23 to 30, 1931, without any notice to WFI of the pendency of the application or of the hearing, and without any opportunity for WFI to be heard. July 28, 1931, the Chief Examiner of the Commission reported the evidence, his findings and conclusions, and recommended that the application of WJKS be denied.

October 16, 1931, the Commission, without notice or hearing or opportunity to be heard to WFI, and without consideration of the rights of WFI, reversed its Chief Examiner and granted the application of WJKS.

Gary is 648 miles from Philadelphia. According to the Commission's statement, released September 25, 1931 (Mimeograph No. 5427), the mileage separation recommended between two stations operating at night with powers respectively of 1 kw. and 500 watts is 1050 miles, in order to minimize obectionable interference in the good service areas of the stations.

The effect of the granting of the application was to lessen the distance between Philadelphia and the transmitter to be licensed to use the facilities of WIBO-WPCC, and to increase the power there used from 500 watts to 1000 watts during that portion of the week theretofore assigned for operation of WPCC, and moreover, in effect, to tend to defeat the contention of WFI that the facilities on its frequency used in Illinois should be so diminished as to permit the granting of its own application pursuant to the showing made at its hearing and according to the provisions of Section 5 of General Order 102, as follows:

"An applicant from an under-quota state in an under-quota zone may apply either for facilities in use in an over-quota state in that zone or an over-quota state in an over-quota zone." (5436 R. 16),

all without notice, opportunity to be heard, or hearing to WFI and beyond the power and authority of the Federal Radio Commission, contrary to the guarantees of the Fifth

Amendment to the Constitution of the United States and of the Radio Act of 1927 as amended.

PAUL M. SEGAL.
PAUL M. SEGAL.

43-47 Subscribed and sworn to before me, a Notary Public in and for the District of Columbia, this 14th day of November, 1931.

My commission will expire Nov. 5, 1932.

[Seal of Carolyn G. Groff, Notary Public, District of Columbia.]

My commission expires Nov. 5, 1932.

CAROLYN G. GROFF,
Notary Public.

Proof of Service.

We acknowledge service of true copies of the foregoing notice and statement this 14th day of November, 1931.

LEVI COOKE,
LEVI COOKE,
L. M.,
EDW. CLIFFORD,
EDWARD CLIFFORD,
L. M.,
Attorneys for Appellant.
THAD H. BROWN,
THAD H. BROWN,
F. N.,
General Counsel, Federal Radio Commission.

48 & 49 Henry W. Hodges, Clerk.

In the Court of Appeals of the District of Columbia.

No. 5530.

NELSON BROTHERS BOND & MORTGAGE COMPANY (Station WIBO), Appellant,

v.

FEDERAL RADIO COMMISSION.

No. 5533.

NORTH SHORE CHURCH (Station WPCC), Appellant,

v.

FEDERAL RADIO COMMISSION.

Stipulation.

Whereas, the above entitled appeals were taken from the same decision of the Federal Radio Commission rendered October 16, 1931, effective twenty days from said date, made in re: the application of Johnson-Kennedy Radio Corporation (Station WJKS) of Gary, Indiana, for modification of station license, (Radio Commission Docket No. 1156), and

Whereas, the record to be submitted to this Court in each of said appeals, and the Statement of Facts, Grounds For Decision and Order of the Commission with reference to each is identical,

Now therefore, it is stipulated and agreed by and between counsel for the respective appellants and the Commission that a single record may be filed for both said appeals.

LEVI COOKE,
Attorney for Nelson Brothers Bond & Mortgage Company (Station WIBO), Appellant.
EDWARD CLIFFORD,
Attorney for North Shore Church (Station WPCC), Appellant.
THAD H. BROWN,
General Counsel, Federal Radio Commission.
D. M. PATRICK,
Assistant General Counsel, Federal Radio Commission.

We consent to the within and foregoing stipulation
MABEL WALKER WILLEBRANDT,
Attorney for Johnson-Kennedy Radio Corporation, Intervenors.

50-54 In the Court of Appeals of the District of Columbia.

No. 5530.

NELSON BROTHERS BOND & MORTGAGE COMPANY (Station WIBO), Appellant,

v.

FEDERAL RADIO COMMISSION.

No. 5533.

NORTH SHORE CHURCH (Station WPCC), Appellant,

v.

FEDERAL RADIO COMMISSION.

Statement in Writing of the Facts and Grounds for the Decision of the Federal Radio Commission as Found and Given by it, Order of the Federal Radio Commission and Record in the Matter of the Application of Johnson-Kennedy Radio Corporation (Station WJKS) for Modification of License.

Comes now the Federal Radio Commission, pursuant to Section 16 of the Radio Act of 1927, as amended by Public Law No. 494, approved July 1, 1930, and files this, its Statement in Writing of the Facts and Grounds for Decision as found and given by it, Its Order, and the Record before it on the hearing of the application of Johnson-Kennedy Radio Corporation (Station WJKS) for modification of license.

FEDERAL RADIO COMMISSION,
By JAMES W. BALDWIN,
Secretary.

55 Form No. 13.

Department of Commerce, Chicago, Ill. Received Sep. 23, 1930. U. S. Supervisor of Radio.
Ack. 10-6-30. L. D. H.

Federal Radio Commission. Sept. 26, 1930.

(To be filled in by the Federal Radio Commission:) Modification File: No. 4-ML-B-667. Station License File: No. —. Call Letters: WJKS. Frequency: ——. Power: ——. Official Number: 708.
Ack. 3-2-31. ——.

UNITED STATES OF AMERICA:

Federal Radio Commission.

Application for Modification of Station License.

(Submit in Duplicate to District Supervisor of Radio in charge of district in which station is located. Swear to one copy.)

To the Federal Radio Commission:

1. Name of applicant: Johnson-Kennedy Radio Corporation.

2. Post office address: State, Indiana. City, Gary. Street, Lake. Number, 540.

3. Nature of modification:

Terms of Present License	Modification Requested
A. Frequency 1360 Kcs.	A. Frequency 560-610 Kcs.
B. Power 1250 Daytime 1000 Nighttime Watts.	B. Power[1] Same (10-14-30) Watts.
C. Hours of operation 4/7 time.	C. Hours of operation Same. Unlimited.
D. Location of transmitter 540 Lake. Lat. 41° 37' North, Long. 87° 16' West.	D. Location of transmitter Same
E. Location of main studio 540 Lake.	E. Location of main studio Same.
F. Call letters WJKS.	F. Call letters[2] Same.
G.	G. .....

[1]If construction of a new transmitter is contemplated, application for construction permit must be filed.

[2]Call letters are designated by the Secretary of Commerce. Any request for change will be submitted to him by the Commission.

56 4. How will the granting of the application serve public interest, convenience, or necessity?

Our station and transmitter are located in Gary, Indiana, in the Calumet Region, at the entrance of the world famous Sand Dunes, adjoining the Indiana State Park and the United States Steel Mills. Gary is the most important steel center in the world, and the Calumet Region is the world's largest industrial region. Our station is known as the "Voice of the Calumet Region."

Gary has a population of over 115,000, and the Calumet District's population is over 800,000. Ninety-five percent of the working people are directly or indirectly with the steel industry or manufacturing industry. The steel mills run continuously twenty-four hours a day and seven days a week. The day is divided into three shifts. The habits, mode of living, and hours of employment are entirely different than in other localities.

WJKS affords hundreds of thousands of people an opportunity to hear patriotic, educational and civic addresses, and be entertained by the people they know and who understand them. It gives the people of this community an opportunity of developing their talents by broadcasting from this station without having to travel great distances to other stations. It brings thousands of people who have never been in this section of the country before into the Calumet Region, giving them an opportunity to visit the largest steel mills in the world, the Sand Dunes, the

Indiana State Park and Gary's wonderful bathing beaches, and other places of interest in this region.

Gary's school system is known throughout the world as the Platoon or Work and Play System. Teachers come from all over the United States to study and learn this system of teaching. We have a children's program every Saturday morning and every Saturday afternoon, and it has become a renowned feature because it affords the children of the community, between the ages of 3 and 16, an opportunity to broadcast. This program is conducted by the teachers of the public and parochial schools, as well as the Parent-Teachers Association.

Gary is a musical center and each school has a band from 100 to 300 pieces, and each band has their designated time for broadcasting, and this is a regular feature.

The Calumet District has over 160 churches of various denominations. All churches, fraternal societies, and civic organizations are invited to use the station every Sunday afternoon for the purpose of broadcasting their services or special features.

Our Sunday program, from early morning until 10:30 P. M. is devoted entirely to church and religious services. Fraternal societies have three hours each month to broadcast special programs; three times a day in the summer the temperature of the water, air and condition of the lake is broadcast for the benefit of the bathers. In winter the conditions for skating, hockey and toboggan sliding and ski is broadcast. Daily announcements are made of the arrival and departure of all vessels entering the Gary harbor.

Special police bulletins are broadcast, as well as items of local interest. We have been the means of locating persons accused of crime as well as lost persons. Each week the towns in the Calumet district have their special program.

The granting of the application will enable this station to properly serve the area which is within its reasonable limits of service. This lower frequency is necessary for us to properly serve our service area because of the absorption due to steel mills, etc. in this locality. The granting of this request will enable Indiana to be more properly represented in the Fourth Zone.

57 5. The applicant's last application for a station license is to be considered as part of this application, and the truth of the statements therein contained is hereby

reaffirmed except in so far as the contrary expressly appears in this application.

6. The applicant waives any claim to the use of any particular frequency or wave length or of the ether as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests a station license in accordance with this application.

Dated this 22 day of Septemb-, 1930.

JOHNSON-KENNEDY RADIO CORPN.,
THOMAS J. JOHNSON,
Applicant.

STATE OF INDIANA,
County of ——, *ss*:

Thomas J. Johnson, being first duly sworn, upon his oath deposes and says that he is the President of the Johnson-Kennedy Radio Corp., above-named applicant and that the statements in the foregoing application are true of his own knowledge, except as to such statements as are therein stated to be on information and belief, and as to such statements applicant believes them to be true.

THOMAS J. JOHNSON.

Subscribed and sworn to before me this 22 day of Septemb-, 1930.

OTTO H. BUTLER,
Notary Public.

Sep. 26, 1930.

58 Patrons Are Requested to Favor the Company by Criticism An-

Federal Radio Commission, Feb. 16, 1931.

Western Union.

Newcomb Carlton, President. J. C. Willever, First Vice-President.

The filing time as shown in the date line on full-rate telegrams and day letters, and the time of receipt at destination as shown on all messages, is Standard Time.

Received at 708 14th St., N. W., Washington, D. C.

CC346 100 1 Extra=WG Chicago, Ill. 16 954A.

James W. Baldwin,
Secretary Federal Radio Commission,
Washington, D. C.:

It is respectfully requested that the amendment of application of Station WJKS at Gary filed by telegraph dated February Fourteenth, Nineteen-thirty, be withdrawn and the following substituted frequency applied for five hundred sixty kilocycles hours of operation from four seventhes to unlimited Stop If under the provisions of general order one hundred two the granting of this application would require the removal of a station or stations using the facilities requested in an over quota state of the fourth zone then the applicant desires station WIBO and WPCC Chicago as the stations to be removed Stop Letter following.

JOHNSON KENEDY RADIO CORP., WJKS,
Gary.

4-M-L-B=667. hearing.

The quickest, surest, and safest way to send money is by telegraph or cable.

59 *Radio Supervisor's Report.*

Application received September 23, 1930. Forwarded September 24, 1930.

Remarks (state any pertinent facts): Applicant requests change in frequency.

H. D. HAYES,
U. S. Supervisor of Radio.

onw.

60 Form No. 20-A-1.

UNITED STATES OF AMERICA:

Federal Radio Commission.

File No.: 4-R-B-564. Official No.: 564. Call letters: WIBO.

Radio Broadcasting Station License.

Subject to the provisions of the Radio Act of 1927, as amended, subsequent acts, and treaties, and all regulations

heretofore or hereafter made by this Commission, and further subject to conditions set forth in this license, the licensee, Nelson Brothers Bond and Mortgage Company, is hereby authorized to use and operate the radio transmitting apparatus hereinafter described for the purpose of broadcasting for the term beginning 3 A. M., E.S.T., September 1, 1931, and ending 3 A. M., E.S.T., March 1, 1932.

The licensee shall use and operate said apparatus only in accordance with the following terms:

1. On a frequency of 560 kc.
2. With power of 1 Kilowatts, with an additional 500 watts, (a) from local sunrise to local sunset only.*
   (b) ——.
   (c) ——.

Heighth of Antenna (from ground or counterpoise to highest point of Antenna), —— meters. Antenna current, —— amperes.

3. During the following period or periods of time: Shares time with Station WPCC, which is licensed to operate Sundays from 10:00 A. M. to 4:30 P. M., and from 6:00 P. M. to 11:30 P. M., Central Standard Time; and such other station or stations that may be assigned on 560 kilocycles to replace former Station WISJ.
4. Under the call letters assigned by the Secretary of Commerce, i. e., WIBO.
5. With the main studio of the station located at 6312 Broadway, Chicago, Ill.

The apparatus hereinabove authorized to be used and operated is located at: Ballard Road, near Des Plaines, Illinois. Lat. 42° 1′ 14″ North, Long. 87° 50′ 8″ West, and is described as follows: Composite-Broadcasting Transmitter. Direct Crystal Control. Last radio stage: two 5 Kilowatt vacuum tubes (W. E. 228-A). Low level modulation. Maximum rated carrier power output 2½ Kilowatts.

For emergency purposes only, when by reason of breakdown or similar reason the said apparatus can not be used, the licensee is authorized to use and operate (but only in

*Average hour of local sunset: September, 6:00 p. m.; October, 5:15 p. m.; November, 4:30 p. m.; December, 4:15 p. m.; January, 4:45 p. m.; February, 5:15 p. m.; Central Standard Time.

accordance with the terms and conditions of this license) the auxiliary radio transmitting apparatus located at:

This license is issued on a temporary basis and subject to such action as the Commission may take after hearing on the application filed by Station WJKS, Gary, Indiana, for the frequency 560 Kilocycles. No authority herein contained shall be construed as a finding by the Federal Radio Commission that the operation of this station is, or will be, in the public interest beyond the term hereof.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the term of this license, render such broadcasting service as will serve public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequency designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Radio Act of 1927 as amended. This license is subject to the right of use or control by the Government of the United States conferred by Section 6 of the Radio Act of 1927.

Dated this 28th day of August, 1931.

By direction of the Federal Radio Commission.

[SEAL.] JAMES W. BALDWIN,
Secretary

cmi.

61 Form No. 20-A-1.

UNITED STATES OF AMERICA:

Federal Radio Commission.

File No.: 4-R-B-556. Official No.: 556. Call Letters: WPCC.

Radio Broadcasting Station License.

Subject to the provisions of the Radio Act of 1927, as amended, subsequent acts, and treaties, and all regulations

heretofore or hereafter made by this Commission, and further subject to conditions set forth in this license, the licensee, North Shore Church, is hereby authorized to use and operate the radio transmitting apparatus hereinafter described for the purpose of broadcasting for the term beginning 3 A. M., E.S.T., September 1, 1931, and ending 3 A. M., E.S.T., March 1, 1932.

The licensee shall use and operate said apparatus only in accordance with the following terms:

1. On a frequency of 560 kc.

2. With power of 500 watts, with an additional ——, watts (a) from local sunrise to local sunset only. (b) for experimentation to determine whether interference results. (c) ——. Height of Antenna (from ground or counterpoise to highest point of Antenna), —— meters. Antenna current, —— amperes.

3. During the following period or periods of time: Shares time with Station WIBO. WPCC to operate Sundays from 10:00 a. m. to 4:30 p. m., and from 6:00 p. m. to 11:30 p. m., Central Standard Time.

4. Under the call letters assigned by the Secretary of Commerce, i. e., WPCC.

5. With the main studio of the station located at: 1011 Wilson Ave., Chicago, Ill.

The apparatus hereinabove authorized to be used and operated is located at: 1011 Wilson Ave., Chicago, Ill., Lat. 41° 57′ 55″ North, Long. 87° 39′ 18″ West, and is described as follows. Composite-Broadcasting Transmitter. Direct Crystal Control. Last radio stage: one 5 Kilowatt vacuum tube (W. E. 228-A). Low level modulation. Maximum rated carrier power output 1 Kilowatt.

For emergency purposes only, when by reason of breakdown or similar reason the said apparatus can not be used, the licensee is authorized to use and operate (but only in accordance with the terms and conditions of this license) the auxiliary radio transmitting apparatus located at: ——.

This license is issued on a temporary basis and subject to such action as the Commission may take after hearing on the application filed by Station WJKS, Gary, Indiana, for the frequency 560 Kilocycles. No authority herein contained shall be construed as a finding by the Federal Radio

Commission that the operation of this station is, or will be, in the public interest beyond the term hereof.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the term of this license, render such broadcasting service as will serve public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequency designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Radio Act of 1927 as amended. This license is subject to the right of use or control by the Government of the United States conferred by Section 6 of the Radio Act of 1927.

Dated this 25th day of August, 1931.

By direction of the Federal Radio Commission.

[SEAL.] JAMES W. BALDWIN,
Secretary.

cmi.

62 4250.

Federal Radio Commission, Washington, D. C.

File No. 4-ML-B-667.

Notice

In re Application of JOHNSON-KENNEDY RADIO CORP., Dated 9/22/30, for Modification of License. Location: Gary, Indiana. Operating Assignment Specified: Frequency, 560 kc.; Power, 1 KW. night, 1250 W. LS.; Hours of Operation, Unlimited.

To —— ——:

You are hereby notified that the Commission has examined the above described application and not being satis-

fied that the public interest, convenience or necessity would be served by the granting thereof has designated the matter for hearing.

(1) The State of Indiana is under quota and the fourth zone is over quota. The applicant states that if it becomes necessary to remove from a station or stations the facilities applied for, it desires to remove said facilities from Radio Stations WIBO and WPCC.

(2) Other related applications are pending before the Commission.

The attention of the applicant is directed to the fact that while his application constitutes a part of the record, it is not a part of the testimony and he should be prepared, at the hearing, to introduce testimony to prove the allegations contained in his application.

The specific grounds mentioned are not to be considered as exclusive of other grounds for the action and eventual decision of the Commission.

63 The Commission has fixed a time and place for a hearing on said application on *April* 23, 1931, at the hour of 10 A. M., at the offices of the Commission, Washington, D. C., subject to the rules and regulations set forth in General Order No. 93.

Your special attention is invited to Subtitle B, Section 7, Paragraph (2) of this order, which reads as follows:

"In order to avail himself of the opportunity to be heard, the applicant shall, within 20 days of the mailing of the notice by the Secretary, file with the Commission a written appearance consisting of a statement of his desire to be heard, together with a statement in writing of the facts which he expects to prove at such hearing and an affidavit showing that a copy of such written statement has been served upon or mailed to all other parties notified of the hearing."

Notices of the hearing in this matter are being mailed to the following parties under date of *March* 25, 1931.

Johnson-Kennedy Radio Corp. (WJKS), Applicant, 540 North Lake Street, Gary, Indiana.

Nelson Bros. Bond & Mortgage Co. (WIBO), 134 North LaSalle Street, Chicago, Ill., Station assigned to 560 kc. frequency.

North Shore Church (WPCC), 1011 Wilson Avenue, Chicago, Illinois, Station assigned to 560 kc. frequency.

Ohio State University (WEAO), 1800 N. High Street, Columbus, Ohio Station assigned to 570 kc. frequency.

Citizens Bank (WHBU), 1101 Meridian Street, Anderson, Ind., Station assigned to 1210 kc. frequency.

Fred C. Zieg (Allen-Wayne Co.) (WGL), 215 W. Main Street, Fort Wayne, Ind., Station assigned to 1370 kc. frequency.

Main Auto Supply Co. (WOWO), 213 W. Main Street, Ft. Wayne, Ind., Station assigned to 1160 kc. frequency.

Hammond Calumet Brdcstg. Corp. (WWAE), 137th Pochman Streets, Hammond, Indiana, Station assigned to 1200 kc. frequency.

Indianapolis Power & Light Co. (WFBM), 48 monument Circle, Indianapolis, Ind., Station assigned to 1230 kc. frequency.

Indianapolis Brdcstg., Inc. (WKBF), 540½ North Meridian Street, Indianapolis, Ind., Station assigned to 1400 kc. frequency.

Charles Middleton (WRAF), 719 Michigan Avenue, La Porte, Indiana, Station assigned to 1200 kc. frequency.

Donald A. Burton (WLBC), 2224 S. Jefferson St., Muncie, Indiana., Station assigned to 1310 kc. frequency.

64 South Bend Tribune (WSBT), 225 West Colfax Avenue, South Bend, Ind., Station assigned to 1230 kc. frequency.

Mr. Chester M. Keen (New), 529 Rudisill Blvd., Ft. Wayne, Ind., Applicant for permit for station to operate on 1210 kc. frequency.

Mr. Ned Lewis Reglein (New), 517 Pine Street, Michigan City, Ind., Applicant for permit for station to operate on 1240 kc. frequency.

The Starr Piano Co. (New), 200 South First Street, Richmond, Ind., Applicant for permit for station to operate on 1120 kc. frequency.

W. S. Shrode & A. E. Stewart, d/b as (New), Shrode & Stewart, 404 Main Street, Rockport, Ind., Applicant for permit for station to operate on 1420 kc. frequency.

F. L. Elliot, M. S. Finley & R. L. Edwards (New), d/b as Hoosier Brdcstg. Co., 1840 N. Meridian St., Indianapolis, Ind., Applicant for permit for station to operate on 930 kc. frequency.

If for any reason the applicant does not desire a hearing, he should notify the Secretary immediately so that notices sent to other parties may be cancelled.

FEDERAL RADIO COMMISSION.
JAMES W. BALDWIN,
JAMES W. BALDWIN,
Secretary.

MBA/res.

Signed for above. Mailed by mail and files Mar. 27, 1931.

65 Federal Radio Commission. Received Apr. 11, 1931. James W. Baldwin, Secretary. By——

Federal Radio Commission, Washington, D. C.

4-ML-B-667.

In re Application of JOHNSON-KENNEDY RADIO CORP., Dated September 22, 1930, for Modification of License.

Notice of Appearance.

Please take notice that the applicant Johnson-Kennedy Radio Corporation hereby appears in the above entitled proceeding and states that it desires to be heard at the hearing set for April 23, 1931. Attached hereto is a statement of the facts which it intends to prove at such hearing and an affidavit showing that a copy of such statement was duly mailed to all parties notified of the hearing in accordance with the Rules and Regulations of this Commission.

Dated Washington D. C., April 11, 1931.

MABEL WALKER WILLEBRANDT,
MABEL WALKER WILLEBRANDT,
739 *Shoreham Building, Washington, D. C.,*
Attorney for Johnson-Kennedy Radio Corporation.

66 Federal Radio Commission, Washington D. C.

4-ML-B-667.

In re Application of JOHNSON-KENNEDY RADIO CORP., Dated September 22, 1930, for Modification of License.

Statement of Facts

The applicant intends to prove at the hearing that:

1. The present assignment of Station WJKS - 1360 kc. is unsuitable to properly cover its normal service area because of absorption due to steel mills in this locality.

2. The State of Indiana is under-quota and the 4th zone is over-quota.

3. The State of Illinios and the Chicago area has more than its equitable share of broadcasting assignments within the 4th zone.

4. The City of Chicago would be adequately served with radio broadcasting programs should stations WIBO and WPCC be removed.

5. Station WIBO is not able to and does not serve public interest, convenience and necessity.

6. Public interest, convenience and necessity would be served and a more equitable distribution of radio facilities would result if the facilities of radio station WPCC were removed.

7. The City of Gary, Indiana has a population of over 115,000; and the Calumet District in which Gary is located has a population of over 800,000.

8. The City of Gary is the steel center of the United States. The employees of these steel mills are employed in three shifts during the 24 hours of the day. The habits, mode of living, and hours of employment are entirely different than in other localities; and Station WJKS offers the means of education, entertainment and contact with public events to this public which no other station serves.

9. Station WJKS has continuously broadcast programs of the highest type.

10. The School system of Gary, Indiana is known throughout the United States. The station puts on a children's program each Saturday morning and every Saturday afternoon. This program is conducted by teachers of the public and parochial schools, as well as the Parent Teachers' Association. The children of the community between the ages of three and sixteen are afforded an opportunity to broadcast.

67 11. Gary, Indiana is a musical center. Each school has a band of from 100 pieces to 300 pieces and each band has its designated time for broadcasting. This is a regular station feature.

12. All churches, fraternal societies and civic organizations are invited to use the station's facilities every Sunday afternoon for the purpose of broadcasting their services or special features.

13. Special Police bulletins are broadcast as well as items of local interest.

14. A special program feature which is proving a valuable public service is rendered by WJKS through its Americanization broadcasts. These programs are of great interest and value to the large foreign-born population residing in Gary and the surrounding area.

15. The applicant will establish such other facts upon the hearing as may tend to show that public interest, convenience and necessity will be served by the granting of this application.

Dated Washington D. C., April 11, 1931.

MABEL WALKER WILLEBRANDT,

MABEL WALKER WILLEBRANDT,

739 Shoreham Building, Washington, D. C.,

Attorney for Johnson-Kennedy Radio Corporation.

68 Federal Radio Commission, Washington, D. C.

4-ML-B-667.

In re Application of JOHNSON-KENNEDY RADIO CORP., Dated September 22, 1930, for Modification of License.

Affidavit of Mailing.

DISTRICT OF COLUMBIA, *ss:*

Vera Mankinen, being duly sworn, deposes and says she is over the age of twenty-one years; that on the 13th day of April, 1931, she mailed a copy of the foregoing statement, dated April 11, 1931, to each of the following:

1. Nelson Bros. Bond & Mortgage Co., 134 North La-Salle Street, Chicago, Ill. (WIBO).

2. North Shore Church, 1011 Wilson Avenue, Chicago, Illinois (WPCC).

3. Ohio State University, 1800 N. High Street, Columbus, Ohio (WEAO).

4. Citizens Bank, 1101 Meridian Street, Anderson, Ind. (WHBU).

5. Fred C. Zieg (Allen-Wayne Co.), 215 W. Main Street, Fort Wayne, Ind. (WGL).

6. Main Auto Supply Co., 213 W. Main Street, Ft. Wayne, Ind. (WOWO).

7. Hammond Calumet Brdcstg. Corp., 137th — Pochman Streets, Hammond, Indiana (WWAE).

8. Indianapolis Power & Light Co., 48 Monument Circle, Indianapolis, Ind. (WFBM).

69-71 9. Indianapolis Brdcstg., Inc., 540½ North Meridian Street, Indianapolis, Ind. (WKBF).

10. Charles Middleton, 719 Michigan Avenue, La Porte, Indiana (WRAF).

11. Donald A. Burton, 2224 S. Jefferson St., Muncie Indiana (WLBC).

12. South Bend Tribune, 225 West Colfax Avenue, South Bend, Ind. (WSBT).

13. Mr. Chester M. Keen, 529 Rudisill Blvd., Ft. Wayne, Ind. (New).

14. Mr. Ned Lewis Reglein, 517 Pine Street, Michigan City, Ind. (New).

15. The Starr Piano Co., 200 South First Street, Richmond, Ind. (New).

16. W. S. Shrode & A. E. Stewart, d/b as Shrode & Stewart, 404 Main Street, Rockport, Ind. (New).

17. F. L. Elliott, M. S. Finley and R. L. Edwards, d/b as Hoosier Brdcstg. Co., 1840 N. Meridian St., Indianapolis, Ind. (New).

By depositing in the branch United States Post Office at 820 14th Street, N. W., City of Washington, copies of the same in securely sealed duly postpaid air mail, special delivery wrappers addressed to the foregoing parties at their respective addresses as set forth.

VERA MANKINEN.

Sworn to before me this 13th day of April, 1931.

[Seal of Wm. Montgomery Smith, Notary Public, District of Columbia.]

WM. MONTGOMERY SMITH,
Notary Public.

Notary Public.
My Commission expires May 24, 1935.

72 Federal Radio Commission, Washington, D. C.

Docket No. 1156.

In re Application of JOHNSON KENNEDY RADIO CORPORATION, Gary, Indiana. Call Letters: WJKS. Application for Modification of License. Frequency Requested, 560 Kilocycles, 1 k. w.; 1,250 W. Local Sunset; Unlimited Time. Present Assignment: 1,360 kilocycles, 1 kilowatt; 1,250 Watts Local Sunset; Shares with WGES. Others notified: WIBO, Chicago; WPCC, Chicago; WEAO, Columbus, Ohio. (For other parties notified because of pending applications, see hearing notice.)

Hearing Room, Federal Radio Commission, National Press Building, Washington, D. C.

Thursday, April 23, 1931.

The above-entitled matter came on for hearing before the Federal Radio Commission at 10 o'clock a. m.

Present:

For the Commission: Ellis A. Yost, Chief Examiner; Asst. Gen. Counsel, Paul D. P. Spearman; Assistant Counsel, Hobart Newman.

73 On behalf of WJKS: Mrs. Mabel Walker Willebrandt, Investment Building, Washington, D. C.

On behalf of WEAO: Hon. Gilbert Bettman, Attorney General, State of Ohio, Columbus, Ohio.

On behalf of WISJ: Ralph S. Fowler, 729 15th Street N. W., Washington, D. C.

Proceedings.

Mr. Bettman: I appear on behalf of Ohio State University, at the request of the president of the University, and as Attorney General of the State of Ohio, to protest, in behalf of Station WEAO, against the granting of this application.

I am very grateful to the Examiner for giving me an opportunity to put in this evidence possibly in advance of the main battle, because we are just sort of incidental, and yet we regard the matter as of great importance to the Ohio State University.

Our station, WEAO, is putting out an extensive educational program which is of great interest to the people of Ohio; and anything which interferes with the reception of that station's transmissions is of vital interest to Ohio State University. That is why we are here.

With reference to Mrs. Willebrandt's suggestion that in advance of the main battle she does not want any
74 technical evidence put in, I desire to present the testimony of Mr. R. C. Higgy, who is the station director of WEAO, and the testimony and the documents which we would like to put before the Examiner are not particularly technical, and if there is any objection on that ground I think we can meet that objection when it comes up.

Chief Examiner Yost: The Examiner understands that it will be very inconvenient for you to be present at the hearing tomorrow?

Mr. Bettman: Yes, it is just impossible for me to be present. It is awfully inconvenient. I should not bring up my own engagements, of course, but I have hanging over me an argument on the Hill at 12 o'clock today, and I am only here because of the vital nature of this matter to us. If the hearing goes on tomorrow I will telegraph to Columbus and have someone here to take my place tomorrow.

Chief Examiner Yost: You may proceed.

Mr. Fowler: Before the proceedings begin, Mr. Examiner, I would like permission to appear on behalf of Station WISJ, Madison, Wisconsin. I think a statement is in order, in view of the peculiar position which WISJ occupies.

That station is now operating on 780 kilocycles under temporary authority of the Commission.

Chief Examiner Yost: Mr. Fowler, you understand that the main hearing will be held tomorrow morning. If you want to note your appearance——

Mr. Fowler: I simply want to note my appearance, because our station was not notified of this hearing and it was simply through other sources that we learned
75 of the hearing at all.

Chief Examiner Yost: I do not understand that.

Mrs. Willebrandt: As I understood it, you withdrew your application. That is why you were not notified.

Mr. Fowler: No, I think not. The situation is this—and I think perhaps a statement will clear it up:

WISJ formerly operated on 560 kilocycles, part time, at Beloit, Wisconsin, and in April of last year the Commission issued a construction permit to move the station to Madison without change in the operating assignment.

In August of last year the Commission temporarily authorized the station to operate on 780 kilocycles, unlimited time, at Madison. In the meantime hearings were held on an application for full time on 780, and that case has not yet been decided by the Commission. If that decision is favorable to WISJ, of course we have no further interest in the 560 kilocycle channel. If, however, that decision is adverse to WISJ, it automatically returns to part time operation on 560 kilocycles, because the present operation is purely an experimental one.

So that if the applicant in this case is applying for the time which is now assigned to the Wisconsin station, of course we oppose the application. If the application is limited merely to the time which is used by WIBO and WPCC, the two Illinois stations, it is beyond our bailiwick.

Chief Examiner Yost: You may be admitted as a party respondent.

Do you desire Mr. Higgy to testify?

Mr. Bettman: Yes.

76 *Testimony on Behalf of Respondent WEAO.*

R. C. Higgy was called as a witness for and on behalf of respondent WEAO and, having been duly sworn, testified as follows:

Direct examination.

By Mr. Bettman:

Q. Give your full name to the reporter, please. A. R. C. Higgy.

Q. What is your connection with WEAO? A. Director of broadcasting of Ohio State University, which operates WEAO.

Q. What is WEAO? A. WEAO is the station operated by the University as an educational broadcasting station.

Q. An application of the Johnson Kennedy Radio Cor-

poration of Gary, Indiana, is pending here. What are the objections on the part of WEAO to the granting of that application? A. We believe that the granting of that application will create additional interference with the reception of WEAO. We know, as a matter of fact, that WIBO now creates considerable interference in northwestern Ohio with the reception of our station, and that the assignment of a station at Gary, Indiana, to this same frequency would create additional interference, which we believe is not in the public interest, convenience and necessity of the citizens of Ohio who are now being served by WEAO.

77 By Chief Examiner Yost:

Q. What is the power of your station? A. 750 watts.

The facts that I mentioned have been determined through a personal survey—that is, the facts that show the interference—have been obtained through a personal survey in the northwestern portion of the state, and we have a large number of reports from listeners showing that WIBO causes interference to the reception of our programs.

Q. Approximately what distances are these from your station? A. WIBO is approximately 265 miles from our station.

Q. I mean, the interference matters. A. About 120 miles; about equidistant, in other words.

Q. How far is Gary from Columbus? A. About 230 miles, I believe.

Q. What frequency do you occupy? A. 570 kilocycles, the adjacent frequency.

By Mr. Bettman:

Q. You referred to some experiment or some surveys. What are they? A. A survey was made by the University, principally through the cooperation of the County Agricultural Agents who are employees of the University in the extension service, who personally interviewed radio listeners——

Chief Examiner Yost: Of course, Mr. Higgy, hearsay testimony would not be admissible. Unless you know that of your own personal knowledge, it would be necessary to

have the person here who made the survey, and have him testify.

78 The Witness: From my own personal knowledge I know that the letters received from the listeners indicate this interference.

Chief Examiner Yost: You can testify to what you know.

The Witness: The definite reports which have been signed by these people interviewed I have also seen, and they are of the same general tenor.

By Mr. Bettman:

Q. How much nearer to Columbus would the granting of this application bring this frequency? A. Approximately 50 miles.

Q. Will you tell the Examiner something of the nature of the service to the people that your station renders, what public interest it has? A. We believe that the University station renders a distinct service to the people of the state in broadcasting educational information that is accurate and unbiased and free from advertising matter. We publish a program, which I have here, giving in detail the lecture programs broadcast, amounting to 35 hours per week.

79 The Witness: We broadcast programs consisting of approximately 80 per cent of lecture and educational material, The balance of the material we believe to be of interest to the people, showing what is going on at Ohio State University, such as the student activities, what their sons and daughters are doing at the University.

Chief Examiner Yost: Is it a full time station?

The Witness: We share time with a station in Youngstown, Ohio.

Chief Examiner Yost: How many hours, approximately, are you on the air each week?

The Witness: Approximately—we vary from 32 to 35 hours.

Chief Examiner Yost: Weekly?

The Witness: Each week; yes.

By Mr. Bettman:

Q. How about northwestern Ohio? What would be the effect of the granting of this application on your station

in northwestern Ohio? A. The granting of this application would increase the signal strength of the station operating on 560 kilocycles, which the applicant, I understand, is asking for.

We made a week ago last Monday, April 13, a field strength survey in that section of the state, and I have definite data here which might be submitted, if it is
80 permitted, showing that information.

Chief Examiner Yost: Unless you can testify to its correctness of your own personal knowledge, it would not be admissible under the rules.

The Witness: I can, because I was a member of the party that made the survey.

Chief Examiner Yost: Then you may testify concerning it.

The Witness: Is it possible to insert it into the record?

Mr. Bettman: It has a chart or graph attached. It probably would be better to introduce it as an exhibit.

Chief Examiner Yost: Do you have it in duplicate?

The Witness: Yes, sir. It simply shows that WEAO does lay down a reasonable field strength in that section of the state, and we are heard there.

Chief Examiner Yost: It may be admitted, if you can testify to its correctness.

I may say, however, for the benefit of the Attorney General, that these matters will be fully gone into at the hearing. Expert testimony will be introduced as to the probable interference that will result, and also the recommended separation, based upon expert engineering skill and knowledge and experience will be put into the record during the progress of the hearing.

Mr. Bettman: The main hearing?

Chief Examiner Yost: Yes.

(Two copies of report of field strength tests relating to WEAO were received in evidence and identified by being marked "Docket 1156, Respondent WEAO Exhibit
81 No. 2", and are filed with the two copies of transcript in possession of the Commission.)

The Witness: If I may add, in addition to the answer to the last question concerning the service of our station, we broadcast an extensive program of market reports—the

only station in the State of Ohio that does this—and I am told by our Agricultural Extension Service that this is an unbiased service and entirely different from that broadcast by any other station. It is a complete market report service. It is an agricultural market report service.

Chief Examiner Yost: Is your station supported by state appropriations?

The Witness: It is supported by state appropriations and is recognized as the department of instruction of the University. It is financed just as any other department of instruction of the university is.

Mr. Bettman: That is why the Attorney General has to represent it.

By Mr. Bettman:

Q. What additional arguments, if any, have you against the granting of this frequency to WJKS? A. About our only argument is that it will create additional interference and make the reception of our station more difficult to the people in northwestern Ohio. We know that there is always difficulty there; and the moving of the station approximately 50 miles closer will certainly create additional interference.

Chief Examiner Yost: Are your hours of broadcasting principally daytime or night time?

The Witness: About half and half; perhaps
82 slightly more in the daytime, but very little more.

By Mr. Bettman:

Q. What connection, if any, has this broadcasting station WEAO with other departments of the State Government in Ohio? A. We broadcast regularly programs arranged by the State Department of Education to the public schools of Ohio. We broadcast also occasional programs of other state departments, such as information and lecture series by members of those state departments. That is continually going on.

Mrs. Willebrandt: If the Examiner please, I object to the admission in evidence of the field strength report
83 signed by J. F. Byrne. There has been no proper foundation laid for the introduction of that document. I beg the Examiner's pardon for not interposing

my objection earlier. I did not understand that it had been even offered in evidence. I understood the witness to have referred to it only.

Chief Examiner Yost: Describe what that is.

Mr. Witness: Mr. Byrne is an instructor in the Department of Electrical Engineering, and Mr. Byrne and I personally made this survey on April 13. We personally made the survey together. He is an instructor in the department of Electrical Engineering with which the broadcasting station is associated, as the letterhead will show.

Chief Examiner Yost: Mr. Higgy, are you qualified to testify as to the technical correctness of this?

The Witness: I am.

Chief Examiner Yost: Did not Mr. Byrne make it?

The Witness: We made it jointly. He just happened to have signed the report. I may say that this is one of the projects of the Ohio Engineering Experiment Station, a field strength survey of the State of Ohio, which Mr. Byrne heads. He signed it because we thought perhaps his work in that direction is recognized, and I have not signed any of the former reports.

By Mr. Bettman:

Q. What was your actual connection with that survey? A. Actually I made as many measurements as Mr. Byrne did.

Chief Examiner Yost: And you can testify that they are correct?

84 The Witness: Yes.

Chief Examiner Yost: I can see no objection to admitting it.

Mrs. Willebrandt: I object to his qualifications as an expert. The proper foundation has not been laid.

The Witness: Do you wish me to state my qualifications?

Chief Examiner Yost: You may.

The Witness: I am a graduate of Ohio State University, department of Electrical Engineering. I have taught Electrical Engineering and Radio Communication courses for five years in the University and have had radio experience since 1912, as the records of the Department of Commerce will show.

Chief Examiner Yost: The Examiner thinks the witness is sufficiently qualified to testify as to the correctness of

these measurements, as he observed them and helped to make them and knows them to be correct. They are admitted.

By Mr. Bettman:

Q. Is there anything further? A. I have one further statement which is signed by the president of the University. I do not know whether this is admissible or not.

Chief Examiner Yost: It is not admissible under the rules.

The Witness: For example, a statement showing the importance of the university's program and the backing of the programs by the university, showing that the university is definitely behind the station.

By Mr. Bettman:

Q. You know those facts to which you have just
85 testified, of your own knowledge? A. I do.

Q. Is there anything further? A. I think not.

Chief Examiner Yost: Cross examine.

Cross-examination on behalf of applicant WJKS.

By Mrs. Willebrandt:

Q. Did you prepare the graph and report yourself? A. Mr. Byrne prepared the graph and the letter.

Q. Did you have anything whatsoever to do with the preparation of it? A. I assisted him in calculating the field strengths from the readings as taken on the equipment.

Q. Were you with him when he made the field tests? A. I was; yes.

Q. The letter as addressed by Byrne to you, then, is really your joint report? Is that your testimony? A. Yes, essentially.

Q. Then having been qualified as an expert, let me ask you what interference on adjacent frequencies is caused by? A. It is caused by the receiving set not being able to distinguish between stations, only 10 kilocycles apart.

Q, That is its result; but may I ask you to explain your answer further as to whether distance is the cause of inter-

ference on adjacent frequencies. A. The cause is due to the fact that both stations lay down in that vicinity, the

86 vicinity of northwestern Ohio which I have mentioned, a similar signal, that is, one of similar strength, being nearly equidistant, and the average receiving sets now being used by the listeners are not able to distinguish, are not selective enough to distinguish, between signals 10 kilocycles apart.

Q. Is distance of separation of stations the one factor which causes the result you describe? A. No; there is naturally a difference in various makes and manufactures of radio receivers. Some are more selective and are able to differentiate between closer limits than others.

Q. Am I right in stating that you are testifying that it is the kind of receiving sets rather than the distance that the stations are separated, that causes interference? A. It is due to both causes, both the strength of the station and the type of receiving sets used. If the interfering station were a greater distance away, there would be less signal from it and there would be correspondingly less difficulty on one particular receiver——

Q. Is it a fact that the interference on adjacent frequencies is caused by so many other factors than mileage that a shift of a few miles one way or the other may or may not better the service? A. The shift in question is over a distance corresponding to about one third of the distance from the transmitting station to the interfering area, which is an appreciable distance.

87 Q. What is the distance in this case to which you refer? A. The distance from Gary to Ohio State line, which is approximately 100 miles.

Q. The distance from where? A. Gary, Indiana, to the Ohio State line; that is, the line between Indiana and Ohio State.

Q. If you measured it by the distance from the Gary station to your station, how much closer in mileage would it bring this frequency? A. I am not certain that I understand your question. You mean, to measure the difference between WIBO and WEAO's distance, and Gary, Indiana, and WEAO?

Q. I am referring to your direct testimony of 50 miles, in your direct testimony. A. You recall that I said "approximately." I am not definitely advised of the exact

location of WIBO and, accordingly, have not been able to make definite measurements on the map. I have measured from a point on the north side of Chicago where I believe they are located, and that showed it to be approximately 50 miles farther.

Q. In your direct testimony you said that your station objected to the granting of this application requested by the Gary station because it would bring the frequency 50 miles closer. A. Yes.

Q. Is that 50 miles or 30 miles, as a matter of fact? A. As I say, I have no map before me and I do not know the exact location of WIBO.

Q. You did not make those measurements on which you base your 50 mile statement? A. I made measure-
88 ments, but not knowing the exact location of WIBO I would say it is between 30 and 50 miles.

Chief Examiner Yost: Testimony will be introduced that shows the exact distance.

The Witness: It seems to me that is merely a matter of fact.

By Mrs. Willebrandt:

Q. Your wattage is 750? A. It is; yes.

Q. You spoke of your service area. What territory were you referring to? A. We know, for example, its field strength measurements will show that it lays down a reasonable signal to 120 miles.

Q. So you are objecting to an interference within a circle measured by a radius of 150 miles? A. At least that.

Chief Examiner Yost: A hundred and fifty or 120?

The Witness: This shows (indicating) that we lay down a satisfactory signal to 180 miles. We have a good signal at 120 miles.

Chief Examiner Yost: Day or night, or both?

The Witness: The measurements of field strength are usually made in the daytime, on ground wave only.

By Mrs. Willebrandt:

Q. What do you claim is your night time distance? A. Our night time distance, at present, is entirely limited due

to this interference of WIBO. We are heard satis-
89 factorily to the corner of the state, approximately 140 miles, at night, with some interference.

Q. I just wanted to get it clear from your testimony that the basis of your objection is that the granting of this application will cause you interference in this 140-mile radius. How much will it shrink your 140 mile radius? A. Probably as much as 20 or 30 miles; about half the distance.

Q. So that you would then have a service area on 750 watts of 120 miles instead of 140 miles? A. Yes, if you take 140 miles as our satisfactory service range.

Q. Is that daytime or both? A. This was based on field strength measurements made in the daytime on what is known as the ground wave.

Q. Do you want to modify your answer with respect to the night time? A. I think not.

Chief Examiner Yost: Is the interference principally at night?

The Witness: Yes, sir; principally at night, almost entirely at night.

Mrs. Willebrandt: That is all.

Redirect examination.

By Mr. Bettman:

Q. This shrinkage would be back from the borders of Ohio? A. Yes. It would mean that we would not serve the state.

90-103 Mr. Bettman: That is all.

Recross-examination on behalf of applicant.

By Mrs. Willebrandt:

Q. You stated that this would increase the interference and deteriorate your service, bringing you down from 140 to 120 miles. How do you know that? A. Based on engineering facts.

Q. What engineering facts? A. And principles,—that the signal strength of the station decreases by the square of the distance. That is an estimate that I have made bearing that principle in mind.

104 *Testimony on Behalf of the Applicant.*

Thomas J. Johnson was called as a witness for and on behalf of the applicant and, having been duly sworn, testified as follows:

Direct examination.

By Mrs. Willebrandt:

Q. Please state your name and relationship to the case. A. Thomas J. Johnson, 540 Lake Street, Gary, Indiana. Connected with radio station WJKS, owned by Johnson-Kennedy Radio Corporation, of Indiana, 540 Lake Street, Gary, Indiana, holding a license from the Federal Radio Commmission at the present time on a frequency of 1,360 kc. with 1,250 watts powers in the daytime and 1,000 watts at night, four-sevenths time, sharing with WGES of Chicago.

Q. This station has made an application for a modification of license. You have applied for what frequency? A. 560, and the same power we have now, a thousand watts at night and 1,250 watts daytime, full time.

105

Q. Where is your transmitter located? A. In Gary, Indiana. It is right on the southern shore of Lake Michigan. I don't know the latitude and longitude of the transmitter, if that is what you mean.

Q. When does your present license expire? A. October 31, 1931, by order of the Radio Commission.

Q. Will you please state to the Examiner, briefly, a history of this radio station from the beginning? A. In 1926 the Emerson School of Gary, or some of the officials of that school, had conceived the idea of wanting to erect a broadcasting station. Some of the officials of the school agreed to finance the proposition and take the funds from the school funds. They had made arrangements to erect the station, but when they came to get the money, they found the law prohibited them from giving any money whatsoever from the school funds. They came to me and asked if I would lease or loan or give to the group of school officials sufficient ground for the purpose of erecting towers and allow them to have a studio in one of my buildings. I told them I would.

Then they had no funds and could not proceed. I
106 then decided that I would erect the radio station, myself, a broadcasting station. I did that. I began to erect the station and completed it in the latter part of December, 1926.

We did not send our application—or the application, at any rate, was not received by the Department of Commerce, until after the radio law was signed. Then we made application to the Federal Radio Commission, and after a hearing in August, 1927, they granted us a license to broadcast on 1,290 kilocycles with 500 watts power, to share time with WSBC of Chicago.

We continued to broadcast on that frequency, using that power, until the reallocation in November, I think, of 1928.

Then the Commission assigned us 1,360 kilocycles, four-sevenths time, to share time with WGES of Chicago.

Shortly after the assignment of this frequency we found that our reception was very poor on account of interference, and we made complaint to the Commission, and shortly after that they granted us 1,000 watts power at night time and 1,250 watts in the daytime, with four-sevenths time; and we have been operating on that frequency and that time ever since.

Q. What type of population is there in Gary? A. Gary is a home community. Gary is the largest steel center in the world and it is located in the Calumet region, which is the largest industrial center of the world. Gary has a population of approximately 110,000 people, while the Calumet region has a population of between 800,000 and 1,000,000 people.

107 Fully 90 per cent of the people of the Calumet region depend directly or indirectly for employment and livelihood upon the steel industry. About 60 per cent of the population of the Calumet region are foreigners, foreign born.

Statistics show that we have somewhere in the neighborhood of sixty-odd different nationalities in Gary and the Calumet region.

Q. Does your station serve these nationalities particularly? A. By putting on programs of a type in their own language and programs that are presented by their own people.

Q. Yes. Give the specific amount of time and the kind of your foreign unit broadcast. A. We have a weekly colored program that is presented by the colored artists from the Calumet region. In addition to that, we have a Hungarian program, Italian, Mexican, Spanish, German, Russian, Polish, Croation, Lithuanian, Scotch and Irish.

These are weekly programs. Each of the nationalities have their own time, and their talent is furnished locally.

The programs are presented in their own language and anonuncements are made in their language and then announcements made in English. These programs have been very, very beneficial and of great help to these for-
108 eign born people; and there is no charge whatsoever made for any of these programs. It is all voluntary.

By Chief Examiner Yost:

Q. What is the character of the programs, and why do you say they have been helpful? In what way? A. They are musical, educational and instructive.

Q. Instructive in citizenship? A. In citizenship.

Q. And American ideals? A. American ideals, and the duty they owe to the community and the duty they owe to the nation.

By Mrs. Willebrandt:

Q. How do you get the persons to put on the particular nationalities' programs? What does your station do in that connection? A. We get in touch with the leader of that particular nationality and then show them the advisability and advantage that their programs would be to their community, and they in turn get their various people to participate in these programs. They prepare their programs weeks in advance and have different artists.

Q. What do you mean by a leader? Do you mean, somebody who speaks that foreign language exclusively, or some one who is an American citizen? A. A leading American citizen of that nationality.

Q. The aim of these programs is what? A. To entertain the people and to also show them their duty as citizens and to aid in the community proposition.

Q. You referred, Mr. Johnson, to a connection of
109 this station with the public school system of Gary. A. There was never any connection between the

school system and the station, financially or corporately. Anything we do for the schools is done voluntarily.

Q. What tie-up is there between the schools and your station as far as programs are concerned, if any? A. Co-operation with both the school officials, the teachers and the parent-teachers association.

Just before that I might state that as far as our transmitter location is concerned, it is located within probably 600 feet of the southern shore of Lake Michigan, at the entrance to the sand dunes, close to the Illinois steel mills and the national park. Gary, as you know, is only 24 years old. It will celebrate its 25th anniversary in June of this year.

The steel mills run continuously 24 hours a day, three shifts, eight hours each. The people who are employed in these mills change shifts. They never have regular shifts. They have a two-week period one time, and the next two-week period at another.

The blast furnaces are continually running. It costs in the neighborhood of $7,500 to start a blast furnace, so they have got to keep those blast furnaces running continuously, and the only time they stop is when one is out of order,
and then a new one that has been prepared is put into
110 operation.

Q. So, as a matter of fact, you have people listening to your station, if you were broadcasting, 24 hours out of the day instead of the ordinary daylight and evening hours? A. We have requests for programs all during the day, but on account of our limited time we are unable to put on as many of the programs as we would like to do. I mean a 24-hour day.

Q. There is no time in the 24 hours in Gary when somebody is not having his breakfast and reading his morning paper, whether it is a morning or afternoon paper? A. No.

Chief Examiner Yost: What hours does this station broadcast now?

The Witness: From 7, sometimes 6, in the morning, to 8:30. Then we are off. Up until the past two or three weeks we broadcast from 11 o'clock until 4, and then we are off from 4 until 7, and then we are on from 7 until 9.

We are off then until 10:30, and then we go on at 10:30 and broadcast until 12.

On four nights a week, Monday, Tuesday, Wednesday and Saturday nights, we are permitted, under an arrangement we have with the station that shares time with us, to continue broadcasting until the wee hours of the morning.

On Thursday, Friday and Sunday we sign off at 12 o'clock so as to allow the other station to broadcast.

At the present time we are broadcasting—on ac-
111 count of broadcasting the Sox baseball game our morning hours are practically the same, but we start at 12:30 o'clock noon time and run until 6. We are back on the air again at 7:30 and run to 9, and then from 10:30 to 12 every night.

On Mondays, Tuesdays, Wednesdays and Saturdays we run from 12 until 4 in the morning; and on Thursday, Friday and Sunday we sign off at 12 o'clock midnight, and then go back again on the air at 2 o'clock and broadcast until 4.

By Mrs. Willebrandt:

Q. In what way does your station tie into the peculiarities that you have pointed out of the laboring hours of the population there and their interests? A. We try to give as great variety of entertainment for the different shifts as possible in our various programs.

Q. Do you have any chain programs at all? A. No; we have never had any chain programs. We have never made application for a chain program. We have only one studio, and that is located in Gary. We have never had any studio in Chicago or elsewhere. Any programs we have are presented locally by remote control from that district of ours.

Q. Do you have any arrangement whereby you work with the school system of Gary? A. Yes. The Gary school system is known throughout the world as the work, play and study plan. It is recognized as the greatest school system in the United States; and every year, and at various times during the year, teachers from all over the country come to Gary to learn the system and to adopt it in various schools. They not only teach the educational
112 proposition, but they instruct their children in music, in mechanics, and do everything for the child to give

a training not only in education, but a training so that they can make a living.

We have 35 public schools in Gary and 15 parochial schools, and in the neighborhood of 30,000 children attending the schools. Emerson School is the largest of
113 four high schools. There are 2,700-odd children enrolled. Emerson School has three bands. There are over 600 boys and girls taking advantage of the instruction given in music. The Emerson concert band has 110 boys. The girls' band has 90 members, and the concert band consists of boys and girls, the third band, having 85 members. There are 15 bands in the Gary schools alone, ranging in number from 45 to 150.

Each of these bands has regular weekly rehearsals. We have the largest colored high school band, and each of the 15 bands broadcasts regularly over Station WJKS. The broadcasting is done from their band room in their auditorium.

By Mrs. Willebrandt:

Q. You have linked up with remote control each one of the schools, then? A. Yes—well, now, that is with the Emerson School. The other bands come to the studio or to some of the halls where we have remote control, and play. During these broadcasts, especially in the daytime, the other schools have recreation periods and the children assemble in their auditorium and listen to their bands.

Q. May I ask you if it is part of the school policy and school system there to stimulate musical rivalry between the bands by the method of your broadcasting? A. It is, and they have contests for the various school bands. They hold contests in the Gary Memorial Auditorium. For the past four years either one or two of our bands have won prizes in the national high school contest. Each of
114 these bands have their own time for broadcasting, and that has been continued ever since the station has been licensed.

By Chief Examiner Yost:

Q. What is wrong with your present assignment? A. We have interference. We are constantly interfered with, with noise and hum and cross talk, and you can't get the station at various times.

Q. When stations are operating with your station on the same and adjacent frequencies? A. There are some stations there.

Q. I mean, that cause interference? A. Yes; a station in Syracuse on the same frequency.

Q. How far is that from your station? A. I don't know, but we have heard their call letters repeated during the time of our broadcasting.

Q. What assurance have you that there will not be as much or more interference or cross talk on the frequency that you are now seeking. A. Because the Chicago stations which are in the neighborhood of 30 or 40 miles from our locality—we tune in, and their reception is clear while ours is not; and the lower the wave they are, the more interference there is.

Q. Your power would be the same if your application is granted; is that right? A. Yes.

By Mrs. Willebrandt:

115 Q. With reference to your service area, do you get the worst interference? A. We get the worst interference practically from the south, southwest and east.

Chief Examiner Yost: What territory do you feel that you serve now, fairly well? — all of Gary, and how far surrounding it?

The Witness: About two or three miles.

Mr. Clifford: How far?

The Witness: About two or three miles outside of Gary.

By Mrs. Willebrandt:

Q. Is that service within Gary and just outside free from interference on the east and southeast? A. Not all the time; no.

Q. Have you heard other stations come in there? A. Yes; I have.

Q. How extensively have you inspected your service area to determine the amount of broadcast service you are giving the community? A. I am never out in the evening during hours of broadcasting but what I tune in to a radio at any place I find it; and at various times I will go out

in an automobile equipped with radio and drive around and test as to the reception.

Q. You have conducted these inspection trips over some period of time in the past? A. For a year or more.

Q. As a result of that, you have found what? A. I have found interference to the southwest or south and east, with our station, and that was within a radius of
116 15 or 20 miles from our transmitter.

Chief Examiner Yost: Yours is the only station in Gary?

The Witness: Yes; the only station in the northern part of Indiana. There is one station in South Bend, and there is the Hammond station with studios in Chicago, a 100-watt station.

By Mrs. Willebrandt:

Q. Will you describe the broadcasts that you have for children? A. Another school feature is that we broadcast sport events, such as baseball or basketball and football. They have night football there so as not to interfere with their studies. The fields are lighted up and we broadcast at various times their affairs.

In addition to that we have a special feature known as "Learn to Speak English." This program is put on daily between 7 and 7:30 and sponsored and presented by the teachers of the Gary schools. The object of the program is to give our foreign born an opportunity to learn to speak English. We have public night schools, and a great
117 number of our foreign residents are working—their shifts are so uncertain—they have two weeks or so —and a great number of them do not take advantage of it. This program is put on by the teachers of English in the Gary schools. It is purely elementary, and from my observation and inspection it has done wonders and a great amount of good to our foreign people, especially considering the number of letters and inquiries we have had daily after those affairs are presented.

Q. Would there be a demand for more of that type of service if you had more time to give? A. Yes; a demand for every one of those educational features if we had more time. All through our district we have had demands for these programs, but were unable to put them on, on account of having limited time.

Q. Go right ahead briefly with the rest of your program and link-up with the schools. A. The children's program every Saturday afternoon, ever since the station has been licensed—we put on a program from 1:30 to 4 o'clock. The children from the Parochial and Public Schools are invited to participate in these programs and the children are brought by their parents or their teachers to the studio. Every child, irrespective of nationality or color or creed, is given an opportunity to broadcast. There is no discrimination made. We have so many children at-
118 tending these programs that we had to divide them into groups from A to M one week, and from M to Z the other.

Q. How is your tie-up with the school system—in respect to grades, or anything like that? A. Irrespective of grades, up to the age of 16.

The teachers have various groups and various plays, and any child who is not up in his studies is not permitted by the teacher to broadcast that week; and they find a marked improvement in their studies because they have the encouragement of the teachers and of the parents, because they feel very proud to have their children broadcast.

In addition to that, the teachers put on various debates, and the children themselves. Especially the 4th, 5th and 6th grade children prepare their own material and secure their material from the school libraries or the public library.

We had one debate a week ago, "Resolved: That Thomas Edison has done more for humanity than Henry Ford."

Another one was, "Are independent stores of more advantage to the community than chain stores?"

The children prepare all their own topics. The teachers never prepare that for them.

In addition to that, the teachers arrange little playlets, and they are presented in the auditorium of the school, and they have them broadcast over the radio station; and then every month or so each one of the schools tries to put on a little play or program at one of the local theaters
119 as a special performance, and all of the children of that school are invited as guests of the theater and of the station to participate in this little performance.

Q. Are these programs appreciated and liked by the people in your service area? A. They are just delighted with them.

Q. How do you know that? A. From the great number of people that come there. On some Saturdays we have 200 children all trying to get on during those two or three hours, and we find it almost impossible to do it. We had to separate the children into groups according to their names. You can't pick them out by age, because that would not work; there would be discrimination if you did that. So we pick them out according to letters from A to M and from M to Z.

Q. With respect to people phoning in expressing appreciation of programs, have you had any experience in that line? A. During the children's programs we have had so many requests that, at the request of the telephone company, we discontinued the requests, because people who wanted to put in their request tied up the telephone system and impaired their service, and we had to discontinue taking requests entirely. The only requests we get now are by mail.

By Chief Examiner Yost:

Q. You feel that your principal handicap is your lack of full time, your limited time? A. No. Limited time is one of the barriers, but our reception is our greatest
120 one. With the amount of people in the community we serve, and the local proposition, we should have no interference within a radius of 40 or 50 miles; but we have interference within a radius of 6, 8 or 10 miles, especially on the evening program.

Q. You feel that your situation would be improved if you had the same time you now have on a frequency of 560, do you? A. Our reception would be better; but we cannot accommodate the various interests that desire to use our station.

By Mrs. Willebrandt:

Q. In addition to the observation that you have described, that you have made yourself throughout your service territory, revealing interference and cross talk, have you had any complaints of that kind from the public?

A. Oh, a number of complaints. I have even sent letters to the Radio Commission at various times about complaints where people were only six or seven miles away and could not hear the station.

Q. Have those been constant complaints over the past year? A. Yes, they are.

Chief Examiner Yost: Have you ever had an application in for another frequency and additional time since you were allotted this frequency?

The Witness: No, we have not.

By Mrs. Willebrandt:

Q. In explanation of that, Mr. Johnson, what is the genesis of this present application we are having
121 a hearing on now? You applied for what frequency first? A. 610. Very near a year. Later it was amended to 560.

Q. So that your dissatisfaction with the kind of reception you can give in your proper service area has been longer than a matter of a few months? A. Oh, ever since 1928. I have taken it up with the Commission at various times and asked them to see what they could do; but as far as filing an application, they promised that they would try to arrange something for us to give us some better reception, but they have never done it. I have been down here at various times and we have done everything we possibly could to try to see if the Commission could work out something for us. Practically since 1928 we have been appealing and begging for assistance in various letters that we have written in here, in imploring the commissioner of our district to see if he could not find some way to remedy this difficulty.

Q. Is there any other station that can be heard in Gary that does render any of the same kind of service that you have described here? A. There is no station that covers our territory that renders the kind of programs we have. Some of the stations in Chicago put on a children's program, but they select the children to put on the
122 program, and it is of short duration, while our programs—we have the children themselves and give them a part and then instruct them and also get the teachers of music in the various schools; both the parochial

schools, the Sisters in the various parochial schools, to assist in trying to educate the children so as to make them perfect in their music, and the child learns the songs of the school and things of that kind, and then is required to learn new songs about every two weeks.

The population in our service area is largely clustered around the steel mills.

Their interests are local and centralized. They have their own peculiar form and mode of living and habits. Practically everybody knows each other and they mingle together in their work and also in their neighborhood.

Q. Do you give any service with respect to ore and the peculiar conditions that enter into most of these people's life? A. We give the time signals and weather reports, and give the arrival and departure of vessels carrying ore to the steel mills, and the departure of vessels carrying material out. The arrival and departure of vessels for the steel mills has been very helpful to the unemployed, because the mill vessels come in and they know there is extra work and more men to be employed during that period, and they have a great number of applications for extra labor.

123 The steel mills themselves sponsor a safety program which has been — existence ever since the station has been in operation, and that is the safety program that is put on by the safety inspector of the steel mills. He gives safety talks, not only with regard to safety in the mills, but taking up all the various forms of safety, especially for the pedestrian, the traveler and children.

Then at various hours on the early morning program we have advice to children, before going to school, to guard against accidents. We get this information from the Chicago Motor Club, showing the great number of children injured.

Q. What police department cooperation do you render peculiar to your community? A. There is a standing order with the police department to use the station at any time. In 1929 we equipped 21 of the police cars with radios to be used, at our own expense, and they were very, very effective during the time of our operation, but on account of having to sign off at various times it loses its efficiency. But during the time we were on they were very successful in apprehending and recovering stolen cars. The Tivoli

Theater at one time was held up and a large sum of money taken from it. It was reported to us, and we interrupted our program, which we do any time a police call comes in, and in less than five minutes the police were on the scene and the robbers were caught within a distance of six miles, and all the money was recovered.

With reference to another robbery recently we put that on the air, and while some of the boys went flying in a car, we were able to capture the boys that were in the
124 car who intended to leave town.

We also report through the police department at various times children who have been lost and they cannot tell where they live. That is broadcast and we notify the parents over the air as to the lost child. When children are lost we put that fact on the air and we have been very successful in that line.

Q. Will you briefly describe your religious broadcasts? A. In addition to the bands I have spoken about, we have the 113th Infantry Band, an ex-soldiers' band, and the Elks' Band.

On the program feature there is a standing invitation to every fraternal and religious organization in the Calumet region to use the facilities of our station. This is not only extended every Sunday, but we have addressed letters to all of the religious organizations. At no time have we ever refused the facilities of our station for religious and fraternal organizations.

We put on annual drives for the Red Cross, Salvation Army, United Charities, Christmas Basket Fund, and poor children. Christmas of 1929 all the various clubs in the community, including the Gary Post-Tribune newspaper there, put on a drive for the Salvation Army.
125 We have no community chest. Everything is individual there.

That was the only time they all combined for the purpose of the Salvation Army. Since that at various times each one puts on its own drive.

The National Women's Professional Club of over 100,000 members use the station for the purpose of entertainment and educational features, as far as their members are concerned.

In 1930 we put on a Milk Fund drive. We secured sufficient money to purchase milk for the poor people of the

community. This money was turned over to the civic authorities and they purchased tickets and are still using some of those tickets.

At Christmas in 1929 we put on a drive for the poor children. We were able to provide 2,500 children with dinner, candy and toys, and also by a special arrangement with the theater they were our guests at a theater party.

During Christmas of 1930 we put on a drive for a Christmas basket fund. We secured several thousand garments and loads of provisions, and these were turned over to the various charitable organizations for distribution. We did none of the distributing ourselves.

Every night at 11 o'clock we put on the Elks' Toast from the lodge room of the Elks' Building. They have beautiful chimes there, and the various towns in and around Gary, principally in the Calumet district, tune in on their radio and hear the Elks' Toast broadcast.
126 We are the only station in the United States who puts on a regular feature of this kind. There is one station lately that puts on the Elks' Toast, but that is once a week.

For the past three years we have put on a Radio Chapel Hour, at 12 o'clock every day. This chapel is conducted by the ministers. All the various ministers are invited, and each day there is a different minister. They give the thought for the day. It consists of a short talk and sacred music; devotional program without relation to denomination.

Q. What do you use your Sunday hours for? A. The entire Sunday from early morning until we close at 9 o'clock is used entirely for church services.

Chief Examiner Yost: Do you have all the Sunday hours?

The Witness: No. We have got practically the same as week days. We have not the early morning hours. We start at 10 o'clock instead of 11. We start at 10 o'clock with the Central Baptist Church. They have over a thousand members in their congregation. That is a regular feature and has been for the past two and a half years.

Then at 1 o'clock we have The Bread of Life, and to 4 o'clock every Sunday we have the various churches who have their half hour programs, covering about all the

churches of the community who want to participate in that. We have even had churches come from outside of Gary, from South Chicago, and they have used our facili-
127 ties for that purpose.

In the evening we have the Presbyterian Church. That has been a regular feature. And then we have the services put on by the Judge Gary-Bishop Aldering Settlement House. This house was built by the steel mills in honor of Judge Gary who then was the head of the United States Steel Corporation, and a Methodist, and named for Judge Gary and Bishop Aldering who was the Bishop of that diocese. It is not a parish house, but it is devoted entirely to the poor. At the present time Father Costello operates it. He has about 51 families in his little parish and he is charged with the duty of educating the children who attend the Catholic schools. He provides fees and gives food to the neighborhood there, 2500 to 3,000 people, irrespective of color, race or religion—anybody. It is a charity center, and it is a charity center that is recognized by the steel industry for the poor people of that community.

By Chief Examiner Yost:

Q. How extensive is this Calumet district that you speak of? A. Calumet district proper runs from the other side of Michigan City down probably about a distance of 35 miles and then into Indiana and a small portion of South Chicago.

Q. In what part of that district is Gary located? A. Practically in the center.

Q. Did you state the population of that district approximately? A. There are approximately without figuring any portion of South Chicago or anything in Illinois
128 at all, about a million people in there. Of course if we take in South Chicago it would run a great deal more than that. I figured the population from the census of the various towns in the State of Indiana.

There are a great number of small towns. It is one town right after another. Taking the Indiana line, you have Whiting, East Chicago, Indiana Harbor, and all in around Gary, such as Hobart; a great number of towns.

By Mrs. Willebrandt:

Q. Would you mind identifying what you meant when you said "the other side of Michigan City"? A. Here is Michigan City (indicating on map). It practically takes in La Porte, Porter, Lake County, and a part of Jasper County, and then around Hammond and around South Chicago. That is considered the Calumet region, in here (indicating on map), as slightly east of Hammond, around the lake and the south, the other side of Michigan City and in through La Porte.

By Chief Examiner Yost:

Q. How far is Gary from the Indiana-Illinois
129 state line? A. It is about 22 miles by road. We have East Gary, West Gary, South Gary, Miller and all those points right in there. They are all part of that Calumet region.

By Mrs. Willebrandt:

Q. Going back again to your answer about your use of Sunday exclusively for religious broadcasting? A. During the baseball season there is an hour that we have no service on at that time; but the churches that are unable to get on on Sunday afternoon, if they want to we give them time in the evening, so as to have their weekly service at some time or another during the week.

By Chief Examiner Yost:

Q. All your service area, present, prospective and proposed, is within the State of Indiana. You have no desire to serve anybody outside of the State of Indiana, have you? A. No, sir. We want to serve this local proposition, serving our community down in there. Chicago has enough service of their own. We want to serve in our own area.

Q. That is an opinion. We want facts. We will determine that by the evidence. A. You see, on account of the peculiar construction of our mills, that has a whole lot to do, I presume, with our situation. Our programs are carried to the Gary Steel Mills, local and civic interests in and around Gary.

130 Chief Examiner Yost: The Examiner will be glad to have some testimony bearing upon the relation of

the population outside of Gary. What connection is there of the people outside of Gary with the mills and with the interests in Gary?

The Witness: All through Whiting, Indiana Harbor, East Chicago and practically all of the towns of that community outside of the Gary mills, there are other independent mills in that community, like the Jones-Laughlin, the American Steel and Wire Company. It is all a mill district, all bordering on the lake. They have facilities for bringing in their provisions by boat, and they all have their docks that circle right around the lake. From South Chicago down it is just one string of mills that are not affiliated or connected or subsidiary corporations of the United States steel mills whatsoever.

Q. Outside of Gary they have their own schools. Inside the city the schools are made up of pupils from the homes of people within the city of Gary, are they not? A. Yes, in Gary proper. Each one of those towns has their own school system just the same as Gary, Hammond, Whiting, East Chicago, Valparaiso and all those towns.

Q. What responsibilities are upon you to serve the towns outside of Gary which have separate schools? Do you have any talent from any of those schools? A. Yes, indeed. We have for various towns in the Calumet region what is known as the community programs. We have
131 the Lake Shore, Indiana Harbor, Whiting, Michigan City, East Chicago, Valparaiso, East and West Gary—every town in that community has a community program, and they are presented by the people of their community over our station; and we have the cooperation of all of the civic authorities of their communities, and they put on community programs. They have a speaker tell the advantages of their town, and so on, and their people put on that program. So we cooperate in that way. They have a teacher or superintendent of schools come over there and talk for the information of their people. Those programs are put on regularly.

Q. All those towns are without broadcasting stations? A. There is only one town there that has a broadcasting station, and that is Hammond, about 18 miles.

By Mrs. Willebrandt:

Q. Is there a steel mill interest, in addition to those you have described in Gary, in South Chicago? A. Yes. The Chicago Steel Mill is a subsidiary of the United States Steel Mills, and there is quite a population there which I have referred to as the outlying class, embraced
132 within what I have referred to as the Calumet region.

Q. Is there any station in Chicago that is giving the same kind of programs of interest to South Chicago? A. There is no station in Chicago giving the same kind of service that we are, for the benefit of the people of our district. There is a local station in Hammond.

They have a studio in Chicago, and most of their broadcasting is done from Chicago. It is more of a commercial proposition.

We have every week a feature known as Good Citizenship. The judges of all the various courts of the entire Calumet region, and frequently lawyers, give talks on good citizenship, what to do, respect for law, and various things of that kind. That is a program feature and we select judges for that purpose.

During the income tax period, for about two weeks before the filing of income tax returns, the collector of revenue comes there and explains in talks how to fill out income tax returns, and so on, for the benefit of the people. That is another educational feature we have.

Chief Examiner Yost: The Calumet district is all in the State of Indiana, is it?

The Witness: A small portion of it would be in South Chicago. It runs probably from 85th Street, I think;
133 but when we refer to the Calumet district we refer to Indiana.

By Mrs. Willebrandt:

Q. Do you operate this station for profit? A. We have never. None of our officers have ever received any salary, and every dollar that is taken in is used for salaries of employees or talent or what not. We have never taken a dollar in for profit. We feel we have been amply paid if we have done good for the community.

By Chief Examiner Yost:

Q. Is it financed by the sale of time over the station? A. A small portion of it is.

Q. Have you any other source of income? A. From our own funds.

Q. What do you mean? A. Personal funds.

Q. Personal funds of the station owners? A. Yes.

Q. Is this a corporation? A. Yes; it is a corporation.

Q. What is the capital stock? A. $30,000, $20,000 common and $10,000 preferred. We never sold a share of stock to anybody.

Q. What is your annual operating cost, approximately? A. That is pretty hard to tell. I couldn't tell without the books. Our talent runs about probably $300 a week.
134 The total expense for help and so on is about $700; and then the equipment. I would say that the entire cost of operation was in the neighborhood of—it is pretty hard to say—$30,000 or $40,000 a year. We have no rent to pay. It is our own property, and a number of our own employees actively participate in the running of the station.

Q. Has this corporation any other business than that of broadcasting? A. The individuals of the corporation?

Q. Yes. What is the business? A. I am in the real estate business. I am a lawyer and have been for thirty years. Mrs. Johnson is on the stage and has been on the stage for 25 years. My son is Assistant States Attorney of Chicago; and that is our business.

Q. You hold all the stock? A. Mrs. Johnson and my son, until recently. I sold some stock to Mr. Atlass. There is no one else. They are the only three now that own any stock.

Q. To what extent, if any, is the station used in promoting your own business? A. We have no business to promote there. We announce a place of amusement there, Gay Mill Ball Room. The only thing we do is to announce that our transmitter is in the Gay Mill Ball Room. That is taken from Gary and Miller. Our transmitter is in Miller and that is an older town than Gary, and that was annexed by the city of Gary, and we got the name that way—Gay Mill.

Q. Do you occupy time over the station yourself?
135 A. None whatsoever. We occupy time in putting on entertainment and things of that kind. Mrs. Johnson has a feature on there that is an entertaining feature.

By Mrs. Willebrandt:

Q. Does the corporation owe any debts? A. Not a dollar.

Cross-examination on behalf of WIBO.

By Mr. Boyd:

Q. How many employees, Mr. Johnson, does the Johnson-Kennedy Radio Corporation have connected with the station? A. They vary. We have fifteen to twenty-five.

Q. Will you please state the names of those employees? A. Wendell Gunther. He is an engineer.

Stanley Herman, engineer; Harry Mayer has charge of the transmitting room and the studio out near the transmitting room. We have a janitor there and his wife. One of our engineers sleeps on the premises. We have announcers—Ted Sherdman, Mr. Jones, Mr. Morrow,
136 the announcers. Mr. Cohen is studio director; Francis Hayes, continuity, and two girls, Miss Sherman and Miss Walker. The telephone operator—Miss Sheehan; Clifford Downey, announcer of the early programs; and we have three or four commercial men, three of whom receive salaries; Clifford Downey, Mr. Elmshaw; and then at various times we have other men there. There is another employee up at the studio. Then there is an assistant who has charge, along with the announcer, of the baseball when we broadcast baseball direct from the White Sox field.

Q. Who are the present owners of the Johnson-Kennedy Radio Corporation? A. Myself, Frances Kennedy Johnson, and Mr. Ralph Atlass, Mrs. Johnson and I practically owning half and Mr. Atlass half, fifty per cent.

Q. You do actually now own 50 per cent? A.
137 All three combined.

Q. When was this transfer made? A. About two months ago or three months ago.

Q. What were the considerations for the transfer? A. I don't know that that is pertinent to this matter here, the amount of money that was paid. I am willing to tell the Commission or the Examiner, but I don't think that is pertinent to this particular thing.

Mr. Boyd: I would like to have an answer to my question, Mr. Examiner.

The Witness: It is a matter entirely outside of the hearing.

Chief Examiner Yost: The Commission has a right to know of the financial ability and financial resources of an applicant.

The Witness: I am perfectly willing to tell our financial ability to maintain the station.

We are estimated, ourselves, in property, there, in the neighborhood of $900,000 of actual property value, right in that locality. We have, in addition to that, in the neighborhood of $65,000 in mortgages and contracts of land that has been sold on monthly payments, and so on. We have no objection to telling that.

138 By Mr. Boyd:

Q. Under the terms of your sale of radio station WJKS and the stock to Mr. Atlass, were there any conditions or contingencies involved in that sale? A.
139 None whatever, outside of the fact that he had certain Western Electric equipment and things of that kind that he was furnishing to the station free of charge.

Q. Did the transfer of the stock involve any question regarding the transfer or the attempted transfer of the wave length? A. No. That was never considered. Our application was filed long before Mr. Atlass ever purchased the stock.

Q. When was this application for a frequency of 560 kilocyles filed by you? A. The first application was filed, I think, in October, unless I am mistaken, and then afterwards it was changed by letter or wire to 560. I would not attempt to state the dates.

We were not negotiating the sale of this stock to Mr. Atlass at the time of that application. This negotiation first commenced in the early part of January of this year, and was consummated about that same time, or the latter

part. The reason I came to file the application, the last time I was down to the Commission some time in July or August of 1930 I was then complaining about that, and the Commission then told me that under this General Order 102 if we wanted to change the wave we would have to select a wave length in a state that was over quota. I cited the condition of Indiana and they said we would
140 have to select a wave length of some station in a state that was over quota if we wanted to change our wave length.

Q. When did you actually make application for the 560 frequency?

Mrs. Willebrandt: The record shows, February 16, 1931.

By Mr. Boyd:

Q. As a matter of fact, the application for frequency 560 was not made until after you had disposed of this stock to Mr. Atlass, was it? A. The stock, I think was transferred the latter part of March—that was it—to take effect on the first of April. We changed our application for frequency prior to that time, I think, some time in February.

Q. Who are now the officers of the Johnson-Kennedy Radio Corporation? A. I am president, Mr. Atlass
141 is treasurer and general manager. Mrs. Johnson is vice-president.

Q. Where is the transmitter located? A. The transmitter is in the town of Gary, the 10th Ward of Gary. It is a suburb, although an older town than Gary is.

Q. Why was that location selected for your transmitter? A. Because we owned the property. And then, of course, the location, the ideal location, nearness to the lake, and the condition of the soil that they tell me technically is a good thing.

Q. Were engineering principles a primary consideration in the location? A. I presume so, because Mr. Clossing is the man who originally designed our station. He furnished the material, and so on.

Q. Did he make any examination of the location
142 of the towers? A. Yes. I had engineers there.

Q. Has a field strength survey been made of the signals of WJKS? A. You are asking me something that

I don't know anything about. I am not an electrician or an engineer, and so I couldn't answer that question.

Q. You did testify that you knew that the signal strength of this station was impaired in certain directions in and about Gary? A. I said we had interference. Whether that is what you call signal strength or not I don't know.

Q. You made no explanation about the signal strength of this station? A. I don't know anything about that. I don't know what you mean by signal strength.

Q. Do you mean that you don't know what that means, after having broadcast for three years? A. I say, technically, I am not an engineer and I am not an electrician.

143 By Mr. Boyd:

Q. I would like to know how you found the interference you speak of. A. By listening in on the radio.

144 That is the only way I could find out. I know that a couple of times I heard the call letters of the Syracuse station, and then I heard a lot of cross fire or cross talk, rather, and whistles, and I couldn't tell just what stations they were. But in driving around I find from the location, the direction that I was from the station, the actual interference would be from over to the east of the station and south and southwest of the station. A. Technically I have no knowledge. All I know is that there is interference. I know that our programs are interrupted and I know we have had complaints.

Q. How far is your transmitter from the principal steel mills of the city of Gary or the region around Gary? A. About three miles to the east of the buildings, the construction of the steel mills, the buildings themselves.

Q. And there are no steel mills south of your station in the immediate vicinity? A. Not due south, but on the

145-147 southwest there are a few steel mills in a southwesterly direction there, probably four or five miles, of large size.

148 Q. Did you have any agreement with Mr. Atlass, or any other person who negotiated the sale, that if he purchased the stock in the station, an effort would be made to change the frequency? A. I have known Mr. Atlass for a year. I have consulted with him, and everybody else familiar with radio—General Saltzman here, and Mr.

Pickford, the ex-Commissioner, about getting a different wave length. I have consulted the head of the Culver University, and everybody else, to see what was causing the interference, and so forth. But, so far as any agreement with him prior to that is concerned, as I say, I have known Mr. Atlass for a year or more, but so far as any agreement is concerned, there was none. The Radio Commission told me that if I wanted to get a different wave length, I would have to make application for it.

149 & 150 Q. Was Mr. Atlass responsible for the application which has been made here? A. Not any more than anyone else—advice, that is all. The reason I selected this wave length is because I feel that the station you represent, and other stations serving our District, put out nothing but chain programs. There are nothing but chain programs, and you can turn to any place on the dial and get chain programs, and get the same programs from various other cities.

151 Q. Do you maintain a station log? A. At all times.

Q. That record is a complete record of the service of the station while on the air? A. I presume so. I did not keep it myself.

A. I have looked at it at various times, and then I have daily reports as to the programs that I presented. They send me a copy of the programs.

152 Q. Do you broadcast over WJKS the Gay Mill ballroom, or any information regarding the Gay Mill ballroom? A. We broadcast the band as they play there during the summer time. The Gay Mill ballroom is run practically only three months in the year. We announce that the bands are coming direct from the Gay Mill ballroom. We have probably two announcements every half-hour, or an announcement every 15 minutes, announcing our call letters, and announcing that the bands are play-

153 ing from the Gay Mill ballroom. When the programs are not originated in the Gay Mill ballrooms, we sometimes make a statement that dances will be conducted at the Gay Mill ballroom, and otherwise advertise the Gay Mill ballroom. It is a ballroom-restaurant, and we have a number of cottages in and around the grounds.

By Chief Examiner Yost:

Q. Where is it located? A. It is located in Gary, on our own property, about two blocks from the lake, and about three miles from the center of Gary.

154 Q. With reference to the charity drive that you mention as having taken place during the Christmas season of 1930, do you know what the results of that drive were in the way of money contributed by the contributors? A. The money was very, very small. I think it was probably a couple of hundred dollars. We made an appeal for clothes and provisions.

155 Q. You said there were thousands of people that were provided with clothing as a result of this effort. A. No, I did not. I said we collected thousands of garments and considerable food.

By Chief Examiner Yost:

Q. Do you refer to that particular time, or the period covering that one drive? A. Just that one drive of 1930.

By Mr. Boyd:

Q. Who made the distribution of the funds? A. We gave the funds to the various charitable organizations.

Q. What charitable organizations? A. Judge Gary's Settlement House; the Central Baptist Church; the Police Department; the Colored Church; and one or two others.

Q. To whom was the food distributed, and by whom? A. We had a storeroom in a vacant store alongside the studio, and the food was in there, and we sent information to the various charitable organizations and they came and took the food and clothing from there, and they in turn distributed it, and a great amount of clothing was given to the various schools for use in their sewing rooms to be made over by the people who were working in that drive.

Q. Will you tell me, please, the names of the judges who made talks on citizenship? A. They were all

156 invited—Judge Wrigley, Judge Smith and Judge Greenwall. They have talked, and then there have been various lawyers and others. I don't remember the names. This is a regular weekly feature. We conduct it ourselves, and invite judges of local courts to appear. It

occurs quite often. Generally the man has a subject that he talks two or three times upon.

Q. Is this station operated for profit? A. No, sir. We have never made any profit on the station. We want it for a community proposition. We want to serve our community.

Q. What benefits go to the dance hall by reason of the broadcasts in which you mention the Gay Mill ballroom? A. I don't think there is very much benefit that comes from making the announcements with respect to the Gay
157 Mill ballroom. We do not figure that the attendance is not thereby increased.

Q. When you conduct contests and give away perfumes and clothing to the people who come, the ladies who attend, do you make those announcements over the air? A. We have not had any contests of that kind in over a year. Sometimes we have. We run our ballroom as a very legitimate proposition. We have the local people there attending.

Q. If there is not enough money coming in commercially to operate the station, does the Gay Mill ballroom contribute to the operation of WJKS? A. We figure part of the entertainment, such as bands and things of that kind—a portion of that is charged up for the radio, because we are furnishing entertainment, and we take a portion of the expense of that for the purpose of radio. We charge up a certain portion of the bands for the entertainment.
158 Q. Do you regard this station, from your viewpoint, as an eleemosynary institution? A. Well, no.

Q. Just why is it operated, if it does not make money, and you do not want to make any money? Is it purely a civic proposition? A. I am very glad you asked me that. I was born and raised in Chicago, and went down to Gary, Indiana, and purchased some property, and through the improvements in property, and so forth, made considerable money; and I feel that I owe it to the community. They have been very, very nice in assisting. We have a community down there that at any time will do anything they can to help us out.

Q. Do you think that the same motives that actuate you in the operation of the station actuated Mr. Atlass in purchasing the stock of the Johnson Kennedy Company? A. I know Mr. Atlass told me a year ago, when we were

talking, that we had a great opportunity there as a community proposition, and our ideas have not differed in any discussion I have ever had with him.

159-162 Q. You stated that the station is used strictly for religious purposes on Sundays? A. Up until the time of the end of the church services, which are usually about 8:30 to 9 o'clock.

Q. In the evening? A. Yes.

Q. Do you conduct marathon dances and broadcast during that period, at any time on Sunday? A. No. Our dances do not start until 8 o'clock on Sundays, or probably 8:30. The church services are on then.

Q. I have reference to marathon dances. A. We had a marathon dance in the Gay Mill ballroom for about six weeks.

163 Cross-examination on behalf of WPCC.

By Mr. Clifford:

Q. Mr. Johnson, you are operating this station, I take it, as a philanthropist, are you? A. I would not say a philanthropist.

Q. Didn't you say you operated this station for the benefit of the community, because you had gone from Chicago to Gary, and had bought property and made money, and you were doing it for the community? A. I owe a whole lot to Gary.

Q. Then, is it not true that you are operating it as a philanthropist for the benefit of the Gary people? A. No, not of the Gary people; the benefit of the community.

Q. You said you organized this corporation for $30,000, $10,000 preferred stock and $20,000 common stock, fully paid in cash, is that right? A. Yes.

Q. And that you have passed over, now, 50 per cent of that stock to Mr. Atlass. Have you any arrangement or agreement with Mr. Atlass that you will continue to operate this station for the benefit of the community of Gary, or has Mr. Atlass agreed with you that you can continue to operate this station without profit? A. With our local programs, you mean? A. The local programs will continue just the same. There will be no change whatsoever.

Q. The Examiner is to understand, is he, that you
164 are operating this station for the benefit of the community of Gary, without profit, and although you

have passed over 50 per cent of the ownership to Mr. Atlass, it is your intention to operate this station for the benefit of the community of Gary, without profit, and you will continue to do so? A. If we can make a profit without injuring the community, we will make a profit.

165 Q. It is your intention, in the future, to operate it as it has been operated in the past, although you have sold a half interest in it? A. To give the community the same type of programs we have been doing, and better programs, if we can do it.

Q. Have you been selling time on the air? A. Yes; to various merchants in the town. We have no spon-

166 sored programs; we have announcements.

Q. You are basing your request for more favorable frequency, are you not, on the ground of the present local programs applicable to the people in Gary? A. No; the entire community which we serve. We probably would take in South Chicago, the steel district.

Q. That is served now by the 21 stations in

167 & 168 Chicago? A. There is no station in Chicago that is serving the South Chicago District with the same class of programs that we are.

Q. Then, basing your application on those grounds, now that you have parted with half of your stock to Mr. Atlass, do you want to have the Commission infer, or are you going to guarantee to the Commission, that you will perpetuate this program which you have been using as a basis for the Commission to grant your application—these foreign language programs, and so forth?

169 Q. You spoke about 60 different nationalities among the residents of Gary, did you not? A. About 56 foreign nationalities.

Q. What proportion of those people speak and understand English? A. A great number of them.

Q. What proportion would you say? A. I would say half of them; probably more than that. That is only a guess on my part.

Q. Then half of them would get all the programs that are put out in English, would they not? A. Yes. By speaking English, I am referring to understanding English. Probably they could not speak English fluently.

Q. They would understand English over the radio, would they not? A. I presume so.

Q. And yet you say you broadcast programs during one week here in ten different languages, is that right? A. Yes.

Q. What about the other 46 nationalities that did not get your programs? A. They do not put on their programs. The facilities are there for them to use.

By Chief Examiner Yost:

Q. What is the average length of these foreign language programs? A. From half an hour to an hour. We divide them up in the daytime and night-time, and try to
170-172 alternate. It depends on the talent they bring in.

173 Chief Examiner Yost: The important matter, from the standpoint of the applicant station, as the Examiner sees it, in addition to what has been put on, is the particular use he proposes to make of this additional time if his application is granted. Is he going to enlarge his program, or extend the same program, or has he something else in mind with reference to the additional time for which he is applying?

The Witness: Our policy is to get full time, to give all the people of that community an opportunity to put on their programs. A great number of these organizations have been denied the privilege of using the station.

Chief Examiner Yost: Is the Examiner to understand, then, that the character of the program would be very much the same, and that it would be just an extension of the programs you have?

The Witness: And a greater accommodation for our people. A great number of people would like to use our facilities, and we have even had some churches from South Chicago come in and use the station. The Lane Technical High School and the Carter-Harrison School drove down in buses to broadcast their program. We want to increase our programs.

174 Q. If you were granted full time, how would you use your Sunday hours? A. We have absolutely no commercial time on Sundays, and the policy would not be changed, except to give more service to the religious interests.

Q. Do you have demands for more time than you can give? A. We have demands to fill up every half-hour and

every fifteen minutes of the day if we are given full time. From the locality; from our community; from the various towns, for community programs. Instead of being able to put those community programs on once in two weeks or so, we could put them on oftener so as to accommodate more people.

Q. Do you have those definite demands—confining my question to Sundays—for either religious or devo-
175 tional broadcasts? A. All during the week.

Q. So far as your educational broadcasts are concerned, to which you have previously referred, do you have demands for more of the children's hour broadcasts? A. We have a great deal of demand, not only from the parents and the community, but from the schools; the principals and the teachers; the assistant superintendents, and the band instructors of the various schools, practically for the last year and a half, and they have been increasing.

Q. You have made some computations concerning the stations in Indiana and Illinois. What is the total number of stations in Illinois? A. Illinois has 37 stations employing 212,460 watts, of which Chicago has 21, with a total wattage of 195,000. Outside of Chicago, there are 16 stations with a wattage of 16,000 watts. Chicago has 11 stations with 5,000 watts or more.

176 Mrs. Willebrandt:

Q. How many stations has Chicago with 5,000 watts or more? A. 11 stations.

177 By Mrs. Willebrandt:

Q. How many stations has Chicago each of which has more power than the whole total of Indiana? A. There are five stations in Chicago, each of which has more power than the entire state of Indiana.

Q. How many clear-channel stations has Chicago?
178 A. Four; Indiana has none.

By Mrs. Willebrandt:

Q. Approximately what population has Indiana, in comparison to Chicago? A. Indiana has practically the same population as Chicago.

Q. How many stations has Indiana? A. 15, with a total wattage of 14,700.

Q. Give the list of the number of stations and the power of each, in Indiana. A. One station of 10,000 watts; two stations of 1,000 watts; four stations of 500 watts; six stations of 100 watts; and two stations of 50 watts.

179 By Mrs. Willebrandt:

Q. Some reference has been made to the association of Mr. Atlass with your station. Had you consulted with Mr. Atlass concerning your station, and had you had conversations with him about that matter prior to his actual association with the station? A. Over a year ago. Mr. Atlass and I have been friends for a long time. I asked him, as a radio man, to try to see what could be done to relieve the interference we have had ever since we have been assigned to this frequency.

Further cross-examination on behalf of WIBO.

By Mr. Cooke:

Q. Mr. Johnson, your view is that Indiana has less than a proper accommodation under the quota? A. The
180 records of the Federal Radio Commission say so. Indiana is the most under-quota state in the Union.

Q. You are within 20 miles, you testified, of the Illinois border? A. Yes.

Q. You would like to reach over even into Michigan, would you not, if you could? A. No.

Q. You are in the Northwest corner of Indiana? A. About 20 miles from the line.

Q. And you are on the lake shore? A. Yes.

Q. The extreme northern part of Indiana? A. Yes.

Q. Do you think it would benefit the position of Indiana if its quota were elevated by what you are now seeking, in a general way, for the convenience of the entire State? A. Yes, it would.

Q. A great part of your broadcasting would go over into Illinois, would it not? A. No.

Q. Would any of it? A. I could not tell. It would probably go into South Chicago.

181 By Mr. Cooke:

Q. If you succeed in this application, does it not add to the burden of the quota in Indiana? A. No.

Chief Examiner Yost: It increases the quota, certainly.

The Witness: It increases the quota about three-sevenths of a point.

182 Cross-examination on behalf of the Commission.

By Mr. Newman:

Q. Mr. Johnson, with regard to the proportion of stock in this corporation owned by yourself and Mr. Atlass, what is the exact figure? A. 50 per cent.

Q. Who owns the remaining 50 per cent, did you say? A. Mrs. Johnson and myself.

Q. What percentage does she own? A. Oh, I don't know. I could not say as to that. I do not know just how many shares she has.

Q. Do you know how many you have? A. The greater portion of our stock is in her name.

Q. You don't know just what proportion you own? A. I would say about 60-40, or something of that kind. We have only one bank account and one pocketbook.

Q. By 60-40, you mean as applied to the remaining 50 per cent? A. Yes.

Q. Which would be the 60 of that, and which would be the 40? A. Mrs. Johnson would be the 60.

183 Q. Does the stock actually show up in your name and her name? A. Yes.

By Mr. Newman:

Q. How did you say that stock was divided, with regard to the amount that was common and the amount that was preferred? A. $10,000 preferred, and $20,000 common.

Q. Which has the voting power? A. The common.

184 Q. In which classification does the stock of Mr. Atlass fall? A. Half of the preferred, and half of the common.

Chief Examiner Yost: Of course, the money that was paid by Mr. Atlass for this stock became the private property of you and Mrs. Johnson, is that right? It did not go into the corporate funds?

The Witness: Some portion of it did.

Chief Examiner Yost: Some portion of it remained in the treasury?

The Witness: Yes.

Chief Examiner Yost: Any question that bears
185 upon the financial ability of the corporation, of course, may be gone into, in connection with the financial ability and resources of this corporation, and the finances of the proposed station if the application is granted.

By Mr. Newman:

Q. How much money do you have in the treasury to the name of the corporation now, Mr. Johnson? A. Approximately $10,000.

186 Q. What hours do you actually broadcast now, Mr. Johnson? A. From 7 to 8:30 in the morning. Speaking of the present time, of course, the hours of broadcasting changed, through an agreement with the
187 other station, about two or three weeks ago. Our schedule now is from 7 to 8:30; from 12:30 to 6 in the evening; from 7:30 to 9 in the evening; and from 10:30 to 12; and then on Monday, Tuesday, Wednesday and Saturday, in addition thereto, from 12 o'clock midnight to 4 o'clock in the morning.

That is the day schedule. After 12 o'clock midnight on Monday, Tuesday, Wednesday and Saturday, we are on the air. We divide the time with the other stations, so that we take those four days, and they take the other three days, Thursday, Friday and Sunday. They take from 12 o'clock midnight until 2 o'clock in the morning. Then we go from 2 o'clock in the morning to 4 o'clock.

188 Q. Does there remain, according to this schedule, any time that either you or your sharing station do not use? A. I do not know, as far as the other station is concerned. I do not think there is any time allotted
189 to them that they do not use.

Q. However, from 4 to 7 in the morning, neither you nor the other station uses the time? A. Only occasionally.

Q. Why is it you do not make use of that time, Mr. Johnson? A. Well, in the first place, on account of our generators, and then, on the very, very late programs, or the

very early programs, you have not as may listeners as you would have from 7 to 9 in the morning, or from 6 to 9 in the morning. Then, of course, we signed an agreement there from 5 on, which is used for tuning purposes, when we do not want any interference. At various times we run a very, very late program, what we call a DX program.

Q. Do you consider your hours of broadcasting between 2 and 4, or between 12 and 4, or between 10:30 and 4, valuable? A. It is valuable to the men getting home from that shift.

Q. 95 per cent of these residents who, you stated, are mill workers, are directly or indirectly connected with the mill work on one of three shifts, which includes the whole day? A. Yes, sir. The mills are the principal industry of that district. If the mills shut down, there are panicky times, stores go out of business, and things of that kind. They are all dependent on that industry, practically, indirectly. I would not say directly, because it all depends on the working man, when it comes right down to that situation.

Q. Mr. Johnson, have you any reason to believe that if you changed to the frequency which you are requesting in this application, you would be better off from the standpoint of interference, either of the cross-talk variety or the heterodyne variety? A. Yes.

Q. On what do you base that? A. On inspection and observation.

There is not a week goes by, probably, that I do not make inspections to see how the programs are coming in.

Q. Have you made any inspections on this frequency which you are requesting in this application? A. Yes. When I get our own station, then I turn on the other stations to see how they are coming in.

Q. Did you make any of these inspections or checks in conjunction with an engineer, Mr. Johnson? A. Our engineer in the station. We have often been around together.

Q. On what do you base the conclusion that the channel which you request will be better for your purposes than the one you now have? A. Because, where we have had reception on our station, at that same time we turn into some of the other Chicago stations and find that they have clear reception. They do not have that interference at the same point; and on the same receiver, on 560 kilocycles.

Q. Of course, the stations to which you were listening then, assigned to 560 kilocycles, were not in the same locality where your transmitter is, were they? A. No.

Q. Mr. Johnson, coming back to the corporation which holds the station license, that corporation exists now primarily for the purpose of owning this radio station? A. Yes.

Q. Has it any other interests, or particular affiliations? A. No. It is a separate corporation entirely.

Q. Your business, I understand, among other things, is that of real estate broker? A. No, not a broker; owning real estate.

Q. Do you own any real estate in the corporate name, or is it personally? A. Just our own individual names.

It is owned by Mrs. Johnson and myself. I might say that the majority of the property is in Mrs. Johnson's name. I might state the reason for that, if you want to know. I do considerable criminal work in Chicago, and I had a happy faculty of signing bonds, and I got stuck for about $15,000 on a bond, and then I transferred the entire property to Mrs. Johnson.

Q. Regarding the amount of money made by your station, how much do you consider, in all, that you have put into it since its inception? A. I suppose we have put in about $50,000 to $60,000.

Q. And you now have in your treasury about $10,000? A. Yes.

Q. You say the stock has never paid any dividends? A. We have never declared any dividends whatsoever.

Q. Have you ever been able to declare any? A. We never looked at it in that way at all. It was held jointly by us, and it did not make any difference about that; when we had new equipment to buy, we purchased it.

Q. The company has not been run strictly as a corporation? A. No, it was not.

Q. The corporation happened to be a convenient name for the licensee? A. No; it was a separate proposition. At the time I did not know very much about radio, when I went into it, and I figured it would be best to have a corporation for that separate proposition. When we conceived the idea of radio, of course, at that

time anybody could get a license. Since that time the rules of the Commission were made.

Q. Does the station owe any money now? A. Not a nickel.

Q. Are the running expenses up to date included in the $56,000 that you have estimated? A. No, because that would include equipment and stuff of that kind.

Chief Examiner Yost: Did the witness say $56,000, or from $50,000 to $60,000?

The Witness: From $50,000 to $60,000.

By Mr. Newman:

Q. I beg your pardon. That $60,000 would not cover all the money that you have put into it to date? A. Oh, no.

Q. What do you consider the present worth of the corporation holding the station to be, approximately,
194 at the present time? A. I suppose about $75,000 or $100,000.

Q. How much of that would be good will in your
195 opinion, Mr. Johnson, or so-called good will? A. About ten or fifteen thousand.

Q. How much would you estimate you have taken in in the course of the station's existence? A. I couldn't estimate that so as to be accurate about it.

Q. What do you estimate your average weekly or monthly income would be? A. I suppose the annual income would run from $30,000 to $40,000, possibly $50,000.

Q. And what would your annual expense be, which you consider to be in the nature of current expense? A. It would be all of that, if not more.

Q. At that rate the station would not be self-supporting, would it? A. No, not from your angle; but we always have been—if we went out after more commercial advertising, that would increase our revenues.

Q. Do you have any commercial accounts in Chicago? A. Occasionally an announcement, like special sales, and things of that kind, from some of the stores.

Q. Within a radius of how far from your transmitter do you have commercial accounts? A. Most all of
196 our accounts are right in our own district, and probably a few stores in South Chicago.

Q. Will you describe a little more in detail just how your announcements are worked out? A. I have an announcement of about 50 words or so. We try to have not over three or four announcements in an hour.

Q. Who pays for the musical numbers? A. The company, the radio station.

Q. Do you charge enough for the announcement to cover the announcing time as well as music? A. We are very fortunate in not having much talent expense. We have so much talent that the expense is very nominal—less than it would be in other localities.

Q. A great proportion of the talent which broadcasts over your station is free talent? A. Yes.

Q. With regard to phonograph records, do you use them very often? A. We probably run—I couldn't exactly tell —probably two or three hours a day.

Q. What hours are they, usually? A. Principally
197 in the morning; sometimes in the afternoon. And then, of course, we have purchase some very nice electrical transcription records.

Q. This additional time that you seek: What use would you make of it? First of all, how many hours would you use? A. We would use it all from early morning. From early morning until late at night, because the civic authorities are very anxious to put on programs especially to give cooperation with the police department and the other towns in the adjoining vicinities have held meetings for the purpose of trying to utilize our station for that purpose.

Q. Would you use these three hours in the morning that you now could use but do not, from 4 until 7? A. We would like to run full time, because we have made application for permission to install Western Electric equipment and put in double generators for the purpose of running full time.

Q. You have stated that phonograph records are not played in conjunction with any spot announcements? A. No; frequently our announcements are in the evening time.

Q. In view of the fact that you are seeking this additional time, could you not replace those three hours of phonograph records with some other sort of pro-
198 gram? A. We use them in the morning.

Q. But would it not serve the same purpose as additional time? A. I don't know whether I understand you or not.

Q. It would tend to serve the purpose of additional time? A. The early morning?

Q. Whenever you use your phonograph records. A. From 4 o'clock in the morning until 6 o'clock?

Q. Whenever you use them. A. We use them along with our calisthenic exercises and the advice to the children and the safety program and things of that type—exercises and time signals.

Q. To your mind, Mr. Johnson, what do you consider for your station would be the most valuable broadcasting hours in the day? A. The entire day and entire night are the most valuable on account of our shift proposition.

Q. Then no one hour in the day is of any more value than another? A. Of course we all know that the evening hours are the most valuable.

Q. Do you not have a pretty fair proportionate share of the evening hours at present? A. As far as our assignment is concerned with the other station?

Q. Yes. A. We have a fair assignment as far as the other station is concerned, but we have not got a
199-201 fair assignment as far as the community necessities require and need.

Q. What was your time when the station first began its operation in 1926, I believe you said it was? A. 1927. We had 50 per cent.

Q. And now you have just a little over 50 per cent? A. Yes.

Q. So you are no worse off than you were when you began, are you? A. I should hope not.

Q. Did you supply the Commission with a financial sheet in reference to the financial status of your company sometime last fall? A. Yes.

202 By Mr. Newman:

Q. Does Mr. Atlass get a salary from this corporation, Mr. Johnson? A. No. That is the only agreement we have got. No one of us gets any salary.

Redirect examination.

203 By Mrs. Willebrandt:

Q. There was a good deal of questioning by the counsel for the Commission relative to your use of the

hours or your non-use, sometimes, of the hours between 4 o'clock in the morning and 7 o'clock in the morning—— A. The reason for that is that the shifts are at 4 o'clock, 12 o'clock and 8 in the morning, the three shifts in Gary, and we tried to accommodate them.

Q. On the nights that you have permission to broadcast, you broadcast what periods? A. From 12 o'clock until 4, and sometimes until 6 in the morning. The reg-
204 ular program is to 4.

Q. You know, as a matter of fact, that the hours between 12 o'clock midnight and 6 a. m. are not counted in the quota, do you not? A. Not as far as the Commission is concerned, but they are counted as far as our station is concerned that we share time with, dividing on four-sevenths time. We take four nights after 12 o'clock and they take three nights.

Q. You always broadcast until 4 o'clock, do you mean? A. Yes; and sometimes until 6. Our regular programs are until 4.

Q. Let us, very briefly and to the point, go through your hours and show where the lapse is. You begin at what time? A. Seven o'clock.

Q. And broadcast until when? A. 8:30.

Chief Examiner Yost: Every day?

The Witness: Every day.

By Mrs. Willebrandt:

Q. From 7 o'clock until 8:30 what kind of broadcasts do you put on? A. Principally records at that time and calisthenic exercises and safety talks that are furnished by the Chicago Motor Club for children, and things of that kind, and advice to children.

Q. As I understand it, you mix your records in with these spot types of programs? A. Yes, and announce time
205 signals every 10 or 15 minutes and tell the children what they have got to do, and things of that kind, principally school features.

Q. You have to go off the air from 8 o'clock until when? A. 8:30 until—WGES comes on at 8:30 and then they broadcast until 12:30.

Q. If you got the time from 8:30 until 12:30, what will you use it for? A. For programs for entertainment of

the people, because that is one of the best times for the entertaining of our people there, especially our housewives.

Q. What specific demand for programs have you had that you propose to put on at that period. A. We had demands from the workers who are relieved from the steel mills at 8 o'clock in the morning. They go home and have their supper when we are eating our breakfast; but there is no entertainment from that time on until 12:30, from our station, for them.

Q. Would you put educational, entertainment, religious or commercial programs in there? A. Education, religious and entertainment.

Q. Would you mix in some commercial? A. If we should get it so as not to overload. I don't believe in overloading a station with commercial things, because we have been very, very cautious about any commercial accounts that we might take.

Q. The purpose of your use of that time would be to make some money, to sell more commercial programs dur-
206 ing that period, or not? A. To put on better programs during that period.

Q. Would it or would it not primarily satisfy the demands to mix in such commercial programs as would carry the load financially? A. It would be for the sole purpose of entertaining and furnishing amusement and educational features to our community and to our listeners. We are already using from 12 until 6. Then we have to go off the air between 6 and 7:30.

Q. How would you use between 6 and 7:30 if you got that time? A. The highest type of entertainment we could secure, of civic, educational and religious.

Q. I will ask you whether that is or is not the most valuable time for the Calumet district. A. A very valuable time for us.

Q. Would you use the commercial programs in that period? A. On the same policy as the others, the same thing. Our desire is to improve for the purpose of our locality.

Q. Then your next lapse on the air at the present time which you are asking to be allowed to use, comes when? A. Nine o'clock at night until 10:30, with the same
207 kind of programs that we are now giving.

Recross-examination on behalf of respondent WIBO.

My Mr. Boyd:

Q. Have you maintained a rate card or schedule of prices that you charge for the service that you render advertisers, during the time that station has been under the ownership and control of the Johnson-Kennedy Radio Corporation, standard to all people for the same service? A. Yes; we have.

Q. Has there been a difference in the prices charged in the morning and in the afternoon? A. Yes. I couldn't tell offhand; but the morning time is less than the evening time is.

Q. Do you have a copy of your schedule of rates
208 with you? A. No; I have not with me.

Q. Do you remember what they were?

Chief Examiner Yost: Perhaps Mr. Atlass can supply that information.

The Witness: He may be able to do so.

By Mr. Boyd:

Q. I would like to know what they were before Mr. Atlass became connected with it. What were the rates before he came there? A. I think they were about the same.

Q. The same now as they were then ? A. I think practically the same now as they were then.

209 Q. Do you have now sponsored programs in the evening? A. We have one or two; not every evening, but occasionally.

Q. Do you recall the names of any of those programs or who the sponsors are? A. No. We had some announcements for Tittle Brothers, a 15-minute program. They are local there; and we had a couple of programs from the dairy company, and lately we have had an announcement from Tanlac, and a couple of 15-minute programs.

Q. Do you call them spot announcements? A. No; that would not be spot announcements.

Q. They are sponsored programs? A. They would be 15-minute programs and some announcements. We have a couple of programs or one program a week for another firm—some medicine; I don't remember what the name of it is. It is 15 minutes a week.

210 Q. You had commercial men employed to make your rate card? A. They were commercial men; yes.

Q. The owners of the station did not fix the rate by which the commercial men sold time? A. Oh, yes. They suggested the proposition. We took the rates of other stations of about the same power, and so on, to see what they charged.

Q. But they were always the same rates for the same periods of time? A. No. There was a difference in the day rate and the night rate.

Q. Yes; but if you sold spot announcements between 11 and 12 a. m., that time was sold at the same rate to all advertisers that used the time? A. Yes.

Cross examination on behalf of respondent WPCC.

By Mr. Clifford:

Q. Why was part of the consideration which Mr. Atlass paid for 50 per cent of the stock which he purchased from your wife and yourself paid into the treasury of the corporation? A. Because we owned the stock ourselves before that. There was no need of having a treasury; but when others come in, then you ought to have a treasury.

211 Q. If you owned the stock, it was yours and your wife's individual property? A. Yes.

Q. You stated a while ago that the stock had been fully paid for? Why was it placed in the treasury of the corporation if the consideration of the stock came to you and your wife, if you owned the stock and the stock had been fully paid? A. Because that is proper business.

Q. How is it proper business? A. To have a treasurer when outsiders are in it.

Q. Of the proportion of the money coming to you for your stock that you put in the treasury, you made a donation to the corporation? A. No, I did not.

Q. Did you owe the corporation money for your stock? A. No.

Q. Did Mrs. Johnson owe money to the corporation? A. No.

212 Q. Why, then, did you give what you received for your own personal property to the corporation? Why did you make the donation? A. How was the cor-

poration going to have money in the treasury unless the stockholders put it in themselves?

Q. When you formed the corporation several years ago the stock was fully paid for? A. Yes.

Q. Therefore the consideration was paid at that time—— A. Do you suppose it remained in the treasury all the time without spending it?

Q. That doesn't answer the question. A. I don't know how you would answer, then.

Chief Examiner Yost: It must be apparent that the money was put into the corporation's treasury for the purpose of taking care of the expenses and having some running capital to operate on.

213 Chief Examiner Yost: Was that the understanding and agreement with Mr. Atlass, that a certain amount should go into the treasury?

The Witness: Mr. Atlass put up an equal amount as I did for the purpose of the corporation.

Q. Three years afterwards you sold part of the stock to Mr. Atlass, and you state that part of the consideration which came to you and your wife for this stock

214-217 you have turned in to the corporation. Why? A. So as to have a treasury there to pay bills and improve the equipment and everything else.

Q. Then you and your wife have made a donation within the last two months to the corporation out of certain proceeds which you received for the sale of the stock which you owned individually? A. The money which I have donated is part of the stockholders' money, and I am back of the stockholders.

Q. But you had paid for it once before, had you not, when it was issued? A. I paid the money in there; yes.

Q. When it was issued, and you received the stock? A. Yes.

Q. Now you have sold the stock and taken part of the money and donated it again to the corporation. A. We have not donated it. We paid it in to the treasury.

218 Additional examination on behalf of the applicant.

By Mrs. Willebrandt:

Q. When you formed this corporation, Mr. Johnson, do you recall how many shares of stock there were issued? A. Two hundred.

Q. Did they have any par value or were they of any par value? A. No par value.

Q. Have you and your wife poured considerable money into this corporation? A. We have, at all times.

Q. Could you estimate how much money you have already put into it? A. Not accurately.

Q. Did you solely buy the equipment or did you have help in buying the equipment?

Chief Examiner Yost: Financial help, you mean?

Mrs. Willebrandt: Yes.

Q. Did you buy the equipment? A. Yes.

Q. You paid for the equipment and you have paid for the running of the station? - A. Paid for building
219-226 the towers and everything else about it.

Q. And deducted from those running expenses whatever income you have had from advertising? A. Yes.

Q. Has it always broken even? A. No.

Q. Have you gone into your pocket from time to time for it? A. Very, very often.

Chief Examiner Yost: The Examiner understood the witness to say, previously, in response to a question by Mr. Newman for the Commission, that he estimated between fifty thousand and sixty thousand dollars had gone into the station. Is that right?

The Witness: That is about a rough estimate for the equipment and things of that kind, outside of running expenses. When bills were to be paid, we paid them.

Mrs. Willebrandt: That is all.

Additional cross-examination on behalf of WIBO.

By Mr. Cook:

Q. Do you keep books, that is, this corporation? A. In the manner in which individuals would keep books.

227 May I inquire of Mr. Johnson for a second?

Chief Examiner Yost: Yes, you may.

By Mr. Cooke:

Q. You stated that the books of this corporation were kept as personal books are kept. Do you keep personal books? A. Yes.

Q. You know how much you have put into the company over a period of years? A. I probably would from the books.

Q. Are there actual books kept by your corpora-
228 tion? A. Receipts and expenses.

Q. In journal and ledger form? A. Yes.

Q. Are they audited? A. No.

Q. Do you keep them yourself? A. Yes.

Q. You can ascertain how much money it has been necessary for you and your wife to advance to this corporation over a period of years to keep it financially sound? A. Yes.

Q. Without your assistance and your wife's assistance the corporation would not have been balanced; it would have had more expense than income; is that true? A. No, it would not. We put the money in there for im-
229 provements and things of that kind, any money we have advanced.

Q. In other words, out of your own pocket, as a stranger to the corporation, hostile to it as a stockholder, you advanced money to it to improve it? A. If it was necessary to do it.

Q. But you have done it to the tune of very large sums, according to your testimony? A. I figure we have spent between $50,000 and $60,000.

Q. Not earned by the corporation? A. The first $30,000 was put in by the stockholders.

Q. That was its capital stock? A. Yes.

Q. And some $30,000 in addition thereto has been advanced to it by you and your wife as stockholders? A. That is practically the figures, and the value of the stock increased that much.

Q. Did you get stock for that gift or contribution? A. No, not as shares of stock.

Q. And the corporation did not earn the money up to $30,000 that you turned over to it? A. Well, I wouldn't say that.

Q. What will you say, Mr. Johnson? A. The corporation itself practically has earned sufficient money with which to pay all of the expenses, the improvements we put in and things of that kind, and the various changes from 500 watts to 1,000——

Q. You say, it has practically earned it? A. I
230 wouldn't say authoritatively, but at no time has the corporation been in financial straits at all.

Q. Because you and your wife were there and stockholders, persons hostile to the corporation as such, were ready to give it money? A. We probably would not have put in the various improvements we have done.

Q. Were the repairs included? A. Some.

Q. Are not repairs cost of operation? A. No; new equipment, changing from 500 to 1,000 watts or 1,250 watts or putting in crystal control and all that.

Q. Suppose you and your wife had not advanced any money to this corporation to assist it, either by giving it money for new improvements or for repairs, would that corporation have earned enough money to keep going? A. It certainly would earn some, because all we had to do was to go out and sell advertising for that purpose, and carry it the same as your station, which is nothing more than a commercial proposition.

The Witness: We did it for the purpose of betterment of the community, the same as a church organization or anything else does, not for the grasping proposition of trying to make money out of something that the Government gives you.

By Chief Examiner Yost:

Q. As the Examiner understands it, notwithstanding your last comment, the money you have invested in it has really not been given to charity, but the station has
231 been improved until you say that now it is worth approximately $75,000? A. It has improved every day. We have put in there constant improvements and we figured it was a good investment.

Q. Therefore it has not been a donation or—— A. At no time. Every improvement we made was a benefit to the station.

232 **Andrew D. Ring**, an engineer employed by the Federal Radio Commission, was called as a witness for and on behalf of the applicant and, being duly sworn, testified as follows:

Direct examination.

By Mrs. Willebrandt:

Q. What is the quota due in Illinois? A. The total quota due Illinois is 22.50.

Q. How many stations are licensed in Illinois? A. Thirty-seven stations.

Q. What is the quota due Indiana? A. The total quota due Indiana is 9.53 units.

Q. How many stations are there in Indiana? A. Sixteen.

233 Q. Is there any state in the entire 4th Zone that is as great a percentage under quota as Indiana? A. Indiana is the greatest percentage under quota of any state of the 4th Zone, being twenty percent under.

Q. Is there a single full-time regional or cleared channel station in Indiana? A. I do not see a full time regional or clear channel station, but there are full time regional assignments to the state.

Q. But there is no one single station in Indiana in any one community having that? A. That is correct, on regional or cleared channels.

Q. So there is broken broadcast in every community in Indiana on cleared channels? A. And regionals.

Q. Referring to the stations in the Chicago area, Mr. Ring, can KYW, a full time station with 10 k. w. power, be expected to serve the same area as WIBO? A. It is presumed it will serve a larger area, including that area served by WIBO.

Q. Does WGN, a full time clear channel station with 25 k. w. power, serve the same area as WIBO? A.

234 Yes.

Q. Does WBBM with 25 k. w. power serve the same area as WIBO? A. Yes.

Q. Does WMAQ, a full time cleared channel station, serve the same area as WIBO? A. Yes.

Q. Does WENR, a 50 k. w. station? A. Yes.

Q. Does WLS, a 50 k. w. station. A. Yes.

Q. Does WCFL, the Federation of Labor station, a regional station with 1500 watts, serve the same area? A. It may be a question whether or not those service areas exactly overlap.

Q. Would they partly overlap? A. In general, yes.

Q. Does WJJD, a 20 k. w. station, serve that same area? A. Yes.

Q. WMBI, a 5 k. w. station? A. Yes.

Q. WCHI, a 5 k. w. station. A. Yes.

Q. WJAZ, a 5 k. w. station? A. Yes.

Q. WGES, a 500 watt station? A. I*n* serves in that same area, possibly not exactly overlapping.

235 Q. Partially overlapping? A. Yes.

Q. In addition to those stations which we have just mentioned, will you say whether WCRW, WEDC, WEHS, WHFC and WSBC provide community service to the communities in Chicago in which they are located. A. Yes. I have those stations charged to the metropolitan area of Chicago.

Q. The service area of WIBO is then duplicated in Chicago by not less than ten other Chicago stations? A. Accepting your count of them, yes.

Q. Do you consider as reasonable the good and excellent service areas to be expected of stations of different powers as expressed by the Federal Radio Commission in the WGY case? Do you think that is a reasonable estimate? A. I really have not made an extended study of those estimates, and so I cannot state.

Q. You are familiar with the estimate given in the WGY case? A. Not at present, I am not.

Q. What would you say is your opinion?

Pardon me. I had assumed that he was qualified as an expert, Mr. Examiner.

Chief Examiner Yost: He satisfies the Examiner, of course.

The Examiner presumes that Mr. Ring's qualifications are admitted, as a radio engineer?

Mr. Cook: Yes.

By Mrs. Willebrandt:

Q. What, in your opinion, is the excellent service
236 area that should be expected of a thousand-watt station? A. I estimate the excellent city service radius of a thousand-watt station to be nine miles.

Chief Examiner Yost: Daytime or night time?

The Witness: Both.

By Mrs. Willebrandt:

Q. What about a hundred-watt station? A. The excellent city service radius, 3 miles.

Mrs. Willebrandt: May I have this map marked for identification?

Chief Examiner Yost: Yes.

Q. Will you look at that map and tell me whether in your opinion there is any Indiana station other than WJKS from which the northern part of Indiana may receive service?

Chief Examiner Yost: The question was, any other Indiana station?

Mrs. Willebrandt: Yes.

A. The stations in northern Indiana are WWAE, WJKS, WRAF, WSBT, WCMA, WGL and WOWO.

By Mrs. Willebrandt:

Q. I will ask whether there are any other stations that serve Lake County or Porter County except WJKS.

237 A. WJAK and WRAF probably serve locally in Lake County and La Porte County.

Q. I did not ask about La Porte County. Lake County and Porter County are the two I meant. A. The local service on local stations is restricted to WWAE and WJKS in those two counties.

By Chief Examiner Yost:

Q. Would those stations serve the citizens of Gary and immediate vicinity, in your opinion? A. A regional station should render service over a radius, as I estimate good service, of nine miles. I would have to make a further study to see what would be included in the nine-mile radius from Station WJKS.

By Mrs. Willebrandt:

Q. May I ask the question in a little different way and ask you whether, in your opinion there is any other station that would render any service in Porter County or Lake County, irrespective of how far WJKS goes, so far as Indiana stations are concerned, except WJKS? A. Fair service may be had in the rural portions of this county from WOWO at Fort Wayne, Indiana. That is a clear channel station operating with a power of 10 k. w.

Q. That would be the very southern part of those counties? A. Those parts in which the man-made interference is not exceptionally great nor the absorption high.

Q. Would you say that that answer would apply to the metropolitan area of Gary or the lake region around the steel mills in Gary? A. The lake region undoubt-
238 edly has both higher interference and higher absorption, so the service would probably be very poor.

Q. Would you therefore say that Fort Wayne would not serve the metropolitan area there? A. Only poor service.

Q. Is the full power of all stations in Indiana as great as any one of the stations WENR, WLS, WGN, WBBM and WJJD of Chicago? A. A rapid inspection of my list indicates that the combined powers of the Indiana stations would not be equivalent to the power of a single one of the stations just mentioned.

Q. You are familiar with this application; you know what this station is asking for, do you not? A. Yes.

Q. Would the granting of this full time frequency to Gary increase the quota of Indiana? A. If the application were granted giving the station full time in place of four sevenths time the quota would be increased.

Q. How much? A. The full time assignment using 1 k. w. would be charged with one unit; four-sevenths time, .55 of a unit, or an increase of .45 of a unit.

Q. Is Illinois over quota? A. Forty-nine per cent, or 11.15 units.

239 Q. If this application were granted and, pursuant to the Commission's General Order No. 102, the corresponding time taken from Illinois, would it decrease the quota assignment in Illinois? A. Yes. The two stations in Illinois that are now licensed to operate on this frequency are charged with .69 units.

Chief Examiner Yost: It would be reduced .69 units?

The Witness: They are now charged with that many units. I do not know what disposition will be made of the station——

Chief Examiner Yost: The question was, how much it would reduce the quota of Illinois if this application were granted.

The Witness: .69 units, providing the station of respondent is deleted.

By Mrs. Willebrandt:

Q. How much time does WIBO use? A. WIBO is charged with .43 of full time.

Q. How much does WPCC use at the present time? A. My records show it charged with .43 of full time; but I think there is an error there, and I reserve the right to correct that.

Q. I was going to ask you if you would let me reframe my question, then, relating to each of these. The information I would like, Mr. Ring, is how much time of the total time that could be used between these two stations do they separately and combinedly use today? And, Mr. Ring, will you make your answer include recent
240 agreements on time and bring it up to date as to their present usage? A. I can only give you the time that the stations are licensed to use. While the additional time that the stations may make use of is known, that is not officially charged to them, and I cannot make any compilation of it.

Q. Could you, if given time to examine the records of the Radio Commission, put in your answer the agreements between the stations and make your answer an accurate statement of the number of hours they are using? A. If an accurate agreement of the time schedule is available, I could do that.

Q. Will you indicate what their licenses show as to time assignments and what their present operation shows as to the use of time? A. I can give you, from a copy of the license before me, how it is now designated. In section 3 of the license dated October 6, 1930, the time is given as follows:

"During the following period of time shares time with WISJ and WIBO. WPCC to operate Sundays from 10 a. m. to 4:30 p. m. and from 6 p. m. to 11:30 p. m., Central Standard Time."

That is from the license of Station WPCC.

The license of Station WIBO dated October 11, 1930, Section 3, states as follows:

241 "During the following periods of time shares time with WPCC and WISJ. WPCC to operate Sundays from 10 a. m. to 4:30 p. m. and from 6 p. m. to 11:30 p. m.

WISJ to operate Sundays 4:30 p. m. to 6 p. m., Mondays 5 to 7 p. m., Tuesdays 5 to 6:30 p. m., Wednesdays 5 to 6:30 p. m., Thursdays 5 to 6 p. m., Fridays 5 to 6 p. m., Saturdays 5 to 7 p. m., Central Standard Time; provided that except on Sundays the above hours shall be understood to relate to daylight saving time at such periods as the City of Chicago observes daylight saving time. WIBO to operate on such hours as not herein designated for the use of WISJ and WPCC."

Q. May I ask you what percentage of time is taken by the combined schedules of WIBO and WPCC of the 18 hours between 6 a. m. and 12 midnight? A. Is that to be determined from this license or from the schedule they are now observing?

Q. From the schedule. Could you supply that? A. I do not have the schedule that they are now using before me, and accordingly that is dependent upon procurement of that schedule.

242-246 By Mrs. Willebrandt:

Q. Would the effect of the granting of this application, Mr. Ring, be to bring Indiana somewhat closer to the number of quota units assigned by the Commission and to reduce Illinois somewhat closer to the number of quota units assigned by the Commission? A. Yes.

Q. In other words, it would be in the direction of equalization? A. Yes.

247 By Mrs. Willebrandt:

Q. I understood you to say that the State of Indiana was under quota 20 per cent. Did you not mean 35 per cent? I am referring in asking that question to the Federal

248 Radio Commission's tabulation of January 6, 1931.

A. My tabulation of the quota is kept up to date and shows Indiana to be under quota by 1.95 units, or 20 percent.

Q. Has it changed? I am showing you here the Federal Radio Commission's letter of January 6, which is the last that the public has had. If there is a discrepancy, will you explain it? A. My list is corrected until April 13, 1931. I presume further facilities have been assigned to

states since the list made up as shown me of January 6, 1931, was filed. I do not have before me what those facilities added were, but I can find out if it is desired.

249 Chief Examiner Yost: The only purpose, the Examiner presumes, is in order to be certain that it is correct, inasmuch as there is such a variance between the present figures and those of January.

Mrs. Willebrandt: In these various records dealing with the quotas it is very difficult to ascertain and, I think, as yet it has not been determined at what period the applicant is held to the quota status in preparing and presenting his proof, whether it be the date of the presentation of the known and published quota status of a state at the date of the application, or whether it be the changes that have happened within the Commission and of which the applicant is probably entirely unconscious and unprepared to adjust his proof to later.

In this case, Mr. Examiner, since the record shows that the under-quota condition is still a very large figure, it would not make relatively any difference; but the point in the record is important to preserve as of what date our proof is directed. It has been important in other cases where the adjustment was slight and the difference had brought them almost to par before the case was heard.

I should like the record, therefore, to show what the quota condition was at the time of the filing of the application and the preparation of proof. The question I asked Mr. Ring to supply an answer to for the record is, What changes have elapsed to which certain values have been attached by the Commission, to change the quota from 35 to 20?

Chief Examiner Yost: You specify the date as January?

Mrs. Willebrandt: January 6 was the published
250 one which the applicant had access to at the time it filed its application.

Chief Examiner Yost: Do you differentiate between the date of January 6, 1931, and the date on which your application was filed for Station WJKS?

Mrs. Willebrandt: I am making it the published statement, Mr. Examiner, that was out at the time we filed our statement of proof. I think it should be held to the an-

nounced quota figures that the Radio Commission had at the time we filed our statement of proof.

Chief Examiner Yost: That may be done. The
251 Examiner can see no objection to its going into the record.

The Witness: I will give you that data at this time.

Mrs. Willebrandt: Mr. Smith calls my attention to one other fact that bears out that statement, which is that the Commission's notice to the applicant setting the date for hearing says specifically that the case is set for hearing because the Commission is in doubt of the wisdom of granting the application by reason of the quota figures on that date.

Chief Examiner Yost: The Examiner would feel perfectly justified at the time of making his report to embody in his report what the quota figures were on the date of the report as well as those shown by the record at the date of the hearing.

The Witness: I can give you the facilities that have been granted since January 6, if you want them.

By Mrs. Willebrandt:

Q. Can you give me the facilities that have brought, since January 6, the percentage from 35 to 19? That is a considerable reduction, and I am unconscious of enough having been granted to Indiana to reduce it to that amount, unless there be adjustments which I think are material in this case. A. The facilities granted Indiana that have re-
duced the under-quota percentage from 36 to 20 are
252 the granting to Station WOWO full daytime operation, and to WGBF full daytime operation. These were made on February 27, 1931.

Q. May I ask whether they were reports of the Examiner on final actions by the Commission?

This point and these points are material in laying a record. This quota in every announcement to an applicant as to what he is to prove and how he must prove it is made a measuring stick that limits the Examiner's power, if you please, to recommend favorably or adversely. It is right for each applicant to show in his record, I therefore maintain, what the quota figures were as of the date his application was set for hearing, and let the determination of his case rest upon them as of that date. Whether there be

additional facilities that will have been granted in the interim of his case having been set and having been heard, should not prejudice one way or the other or affect his proof or the weighing of the proof.

Chief Examiner Yost: Your question is as to whether or not this additional grant of facilities was due to recommendations after hearing by Examiners or whether it was made upon the Commission's own initiative or upon application from these stations without hearing.

Mrs. Willebrandt: Not necessarily that. The point I wish to bring out is that if an applicant is to have
253 in his record a certain percentage, either for him or against him, on this quota figure, and it varies from the published report as it does here, from the figures which prevailed at the time he made his application, then any adjustments that have been thereafter made should be adjustments that would show in each instance final determination by the Commission.

In other words, the quota of a state should not be raised or lowered by a report of an Examiner until it has been approved by the Commission until the period for appeal has gone by.

Do I make my position clear? In these two instances we do not know—and that was my question, you see—whether the granting of additional time has brought this quota down by almost half, and whether that is a final grant or whether it is still only tentative.

Mr. Newman: You mean, the fact that they can appeal?

Mrs. Willebrandt. Yes, either way.

Mr. Newman. I submit that there is sufficient left for Mrs. Willebrandt, and it would not make any difference how much more was left two months ago.

Mrs. Willebrandt. That is perfectly true; but the question is proper. That is all we are arguing.

Mr. Newman: The question is improper, because the Examiner's report is not official in any sense of the word.

Chief Examiner Yost. These are all facts. They may not be very material, but the Examiner can see no reason to prevent their going into the record.

254 The Witness: I am of the opinion that the grant was made without hearings and a subsequent Examiner's report.

Chief Examiner Yost: You do not know of your own personal knowledge?

The Witness: I am in such a position that if any hearings were held it is probable that I would know about them; and I do not know of such hearings. I do know the time that the requests came in to the Commission, and they were granted. I am familiar with the major aspects of the situation.

By Mrs. Willebrandt:

Q. What area for excellent service would be the distance for a 500-watt station? A. City service, six and a half miles.

Q. A 1,000-watt station? A. Nine miles.

Q. And a 5,000-watt station? A. Eighteen miles.

255 Q. And a 10,000-watt station? A. Twenty-five miles.

Q. Are you giving the excellent service? A. Excellent city service.

Q. What is the figure for a 25,000-watt station? A. Thirty-five miles.

Q. And a 50,000-watt station? A. Forty-five miles.

Q. Will you give me the good service area of these same sized stations, beginning at 100 watts? A. The good residential section service of a hundred-watt station is 13 miles; of a 250-watt station, 20 miles; of a 500-watt station, 25 miles; of a thousand-watt station, 35 miles; of a 5,000-watt station, 60 miles; of a 10 k. w. station, 75 miles; of a 25 k. w. station, 90 miles; of a 50 k. w. station, 110 miles.

Q. May I ask whether, in your opinion, moving the 560 frequency from the location of WIBO in Chicago to the location of this applicant in Gary would increase the interference of WEAO, the Columbus station? A. Moving the assignment from the location of WIBO to that of WJKS

256 would, by my record, be a move of approximately 30 miles southeast. The distance from Gary to the Columbus station, WEAO, is 250 miles. A change of 30 miles in 250 cannot of itself be said to be sufficient to definitely determine that interference would be increased. There may be other factors, such as the directiveness of the antenna, or local absorptions, that would have more effect in that short move.

Chief Examiner Yost: What is the assigned frequency of WEAO?

The Witness: 570 kilocycles.

Chief Examiner Yost: What is the daytime and night time recommended separation between two stations operating on adjacent frequencies simultaneously, one with a power of 1,000 watts and the other with a power of 750 watts? A. The night time recommended separation, with a 10-kilocycle separation, between a 750 and a 1,000 watt station is 350 miles. Daytime, 175 miles.

By Mrs. Willebrandt:

Q. What is the present mileage separation between the Columbus station and the applicant? A. Approximately 250 miles.

Q. What is the mileage separation now between WIBO and the Columbus station? A. Approximately 30 miles greater, or 280 miles.

Q. If the 1360 kilocycle frequency is moved into Chicago, would it have the same relatively beneficial effect as the relative detrimental effect of moving 560 into Gary?

Mr. Newman: Is anybody going to move 1360 to Chicago, Mr. Yost? I do not see the materiality of that question.

257 Chief Examiner Yost: What is the purpose of that question?

Mrs. Willebrandt: It is shared by the Chicago station. If you take the station at Gary off that frequency, it moves it to Chicago. That is the basis of the question.

Chief Examiner Yost. The Chicago station has only half time on the frequency of 1360 kilocycles?

Mrs. Willebrandt: Yes, but it puts that frequency in Chicago only if this application is granted.

Chief Examiner Yost: The Examiner does not quite understand the purpose of your question.

Mrs. Willebrandt: The purpose that I was bringing out in the question was that there has been a suggestion by the Columbus station that a 35-mile move of the station on the 560 frequency, closer to it, might have a somewhat detrimental effect, problematical in the amount, upon Columbus; and the point I was bringing out is that I am asking whether the taking of the 1360 frequency out of Gary would relatively give the same beneficial adjustment.

Chief Examiner Yost: In other words, you are asking, in substance, what the effect would be of granting this application?

Mrs. Willebrandt: Yes, as far as the beneficial or detrimental effect of taking 1360 out of the Gary area.

Chief Examiner Yost: He may answer that question.

The Witness: It is believed that local conditions would probably have more effect than the short change in actual mileage as compared with the other stations on the main channel and adjacent channels. That is, moving may increase the interference or it may decrease it, dependent upon local conditions of the antenna erection, and so on, of which I naturally have no knowledge.

258

Q. Is the State of Ohio over quota or under quota? A. Ohio is under quota.

Q. By how much? A. 6 units.

Q. And the State of Indiana is 36 or 19, depending upon which figure is used.

Chief Examiner Yost : He is giving the figure for Ohio as of the present date compared with that of Indiana of the present date.

The Witness: Indiana, according to thist list dated January 6, 1931, is 3.35 units under quota, or 35 per cent.

Chief Examiner Yost: What is Ohio of that date?

The Witness: On that date Ohio was .6 units under quota, or 3 per cent.

259

260 By Mrs. Willebrandt:

Q. May I ask, Mr. Ring, that you give as of January 6, 1931, the units and the percentage for Ohio and for Indiana? A. Ohio is .6 units under quota, or 3 per cent, as of January 6, 1931.

Indiana is 3.35 units, or 35 per cent, under quota as of the same date.

261 Cross-examination on behalf of respondent WIBO.

By Mr. Boyd:

Q. Will you state the stations assigned to the frequency of 1360 kilocycles and on adjacent channels which might

be capable of causing interference with WJKS on its present assignment? And give the distances between these stations and WJKS and the recommended separation in miles in each case. A. The stations operating on a frequency of 1360 kilocycles, less than the recommended separation from WJKS at Gary, Indiana, are as follows:

WFBL, Syracuse, New York, a distance of approximately 600 miles. This station operates with a night power of 1,000 watts. The recommended separation is 1200 miles.

WCSC at Charleston, South Carolina, a distance of approximately 750 miles. The Charleston station operates with a power of 500 watts at night. The recommended separation is 1050 miles.

KGIR, Butte, Montana, is also on that frequency, operating with a power of 500 watts. The separation is 1310 miles, which is greater than the recommended separation.

On the adjacent frequency of 1350 is Station KWK at St. Louis, Missouri, which is licensed to operate with a power of a thousand watts. The separation between Gary and St. Louis is 260 miles. The recommended separation is 350 miles.

262 A station on the adjacent channel of 1370 kilocycles, 10 kilocycles separted from the channel in question, is Station WRJN, at Racine, Wisconsin, licensed to operate with a power of 100 watts. The mileage between Racine and Gary is approximately 90 miles. The recommended separation for night operation between a 1,000-watt station and a 100-watt station operating on adjacent channels is 210 miles.

Station WGL is licensed to operate on an adjacent frequency, that of 1370 kilocycles, with a power of 100 watts. The distance between Fort Wayne and Gary is approximately 115 miles. The recommended separation is, again, 210 miles.

Those are all I see that appear to be less than the recommended separation.

Q. Please give us the same information with regard to the frequency of 560 kilocycles and adjacent channels to which WJKS, if assigned the frequency of 560 kilocycles, might cause interference or from which WJKS might receive interference. Give the distance between those stations and WJKS and the recommended separation in miles in each case. A. On the frequency of 560 kilocycles, sta-

tions less than the recommended separation are WNOX, at Knoxville, Tennessee, a distance of approximately 440 miles. WNOX is licensed to operate with a night power of 1,000 watts. The recommended separation is 1200 miles.

Station WLIT at Philadelphia is licensed to operate with a power of 500 watts. The distance between Philadelphia and Gary is approximately 670 miles. The recommended separation under those conditions is 1050 miles.

Station KFBM at Beaumont, Texas, is licensed to operate with a night power of 500 watts. The dis-
263 tance between Beaumont and Gary is approximately 900 miles. The recommended separation is 1050 miles.

Station KLZ at Denver, Colorado, is licensed to operate with a night power of 1 k. w. The distance between Denver and Gary is approximately 920 miles. The recommended separation is 1200 miles.

On the adjacent channel of 570 kilocycles, Station WEAO at Columbus, Ohio, is licensed to operate with a power of 75[illegible] watts. The distance between Columbus and Gary is approximately 250 miles. The recommended separation between stations 10 kilocycles removed in frequency for night operation is 350 miles.

Station WKRC at Cincinnati, Ohio, is licensed to operate on the adjacent channel of 550 kilocycles with a power of 1,000 watts. The distance between Gary and Cincinnati is approximately 225 miles. These stations are 10 kilocycles removed in frequency, and the recommended separation for night operation is 350 miles.

They appear to be all the stations less than the recommended separation.

Q. Will you examine WKZO at Berrien Springs, Michigan? A. WKZO, Kalamazoo, Michigan, is licensed to operate with a power of 1,000 watts daytime on the frequency of 590 kilocycles, 30 kilocycles from the frequency of 560 kilocycles. The recommended separation for day operation between thousand-watt stations 30 kilocycles removed in frequency is 96 miles. The actual separation between Kalamazoo and Gary is approximately 105 miles.

264 Q. Is that station at Berrien Springs or at Kalamazoo? A. My records show the station with a construction permit to move to Kalamazoo, and our records accordingly show it to be in Kalamazaa.

Q. What about KSD and KFUO at St. Louis? A. KSD and KFUO, located at St. Louis, operate on the adjacent frequency of 550 kilocycles, with a power of 500 watts night. The distance between St. Louis and Gary is approximately 270 miles. The recommended separation between a 1,000-watt station and a 500-watt station operating on adjacent channels 10 kilocycles removed in frequency for night operation, is 300 miles.

Q. How many microvolts per meter constitute actual service for stations of a power of 100 watts to 5,000 watts? A. The excellent city service of a station of that kind is based on a field intensity of 10 millivolts per meter or 10,000 microvolts per meter.

Q. What are the microvolts per meter for good service? A. Good residential service, taking the mileages that I gave, is based on a field of 2 millivolts per meter or 2,000 microvolts per meter.

Q. I will ask you to please state the quota units due the state of Illinois for regional stations. A. Illinois is due on regional channels 7.31 units; assigned, 2.95 units.

Q. Is radio station WIBO classed as a regional station? A. Yes.

Q. Please state the quota units due Indiana for a
265 regional station. A. Indiana is due on regional channels 3.10 units; assigned, 2.53 units.

Q. Is station WJKS a regional station? A. Yes.

Q. If WJKS secured full time, how much would this increase Indiana's quota for regional stations? A. It would increase Indiana's regional quota by .43 of a unit.

Q. Then the total regional units would be what for Indiana? A. The total regional units assigned would be 2.96.

Q. This would bring Indiana's assignment for regional stations to within what percentage of that due? A. Within 4.5 per cent.

Q. What would be the total units assigned to Illinois if WJKS were assigned full time on 560 kilocycles and the present occupant of 560 in Illinois were not relicensed? I am referring to regional units. A. The Illinois regional quota would be decreased by .88 units and would then be assigned 2.07 regional units.

Q. This would be what percentage of the regional units due Illinois? A. 28.3 per cent of the units due.

Q. Is it not a fact that northern Indiana has service from several clear channel stations assigned to the 4th Zone? A. Yes. The northern area of Indiana is estimated to be in the good service area of several of the 4th Zone clear channel stations.

266 Cross-examination on behalf of respondent WPCC.

By Mr. Clifford:

Q. Mr. Ring, I would like to have your opinion on this question. If you were a radio listener at Gary, Indiana, and tuned in with the average radio set to WIBO at night when that station is being operated on 560 kilocycles, and if station WEAO at Columbus was being operated at the same time on 570 kilocycles, would you get interference? A. I would not expect any cross talk interference unless some very unusual circumstances were present.

By Mr. Clifford:

Q. Should the Commission grant the applicant the
267 right to operate on 560 kilocycles at Gary, how many stations operating on 550 and 570 kilocycles would be more likely to suffer greater interference because of being closer together and, thereby, contrary to the rule of the Commission. A. I gave a list previously of the stations that would be decreased in mileage separation and further expressed the opinion that the decrease in mileage separation was only a small per cent of the actual separation, and accordingly local conditions were more likely to control the interference that might be had, rather than the short change in location.

Additional cross-examination on behalf of respondent WIBO.

By Mr. Boyd:

Q. If one of the clear channel frequencies were changed to a regional channel and the power reduced to 1,000 watts, what would be the then status of the Illinois quota? A. Reducing one of the Illinois clear channel assignments to a regional assignment of 1,000 watts would reduce the
268 quota units assigned Illinois from 33.65 to 29.65, and the state would then be 7.15 units over quota.

Cross-examination on behalf of respondent WISJ.

By Mr. Fowler:

Q. Mr. Ring, referring to your testimony on the quota, will you please state in what zone Indiana is located? A. The 4th Zone.

Q. And is Wisconsin located in that same zone? A. Yes.

Q. Is the 4th Zone under quota or over quota. A. The 4th Zone is over quota.

Q. I believe you testified yesterday that Indiana was under quota? A. Yes.

Q. Is the State of Wisconsin under quota or over quota? A. Wisconsin is under quota.

Q. By how many units? A. .41 units.

Q. And what is the percentage under quota? A. Five per cent.

Q. Mr. Ring, assume that the Commission sees fit to restore station WISJ to its position on 560 kilocycles: would the granting of the application of WJKS increase or decrease the quota for Wisconsin? A. It would decrease the quota for Wisconsin if WISJ is removed.

Mr. Fowler: Mr. Examiner, I would like the record
269 to show at this point that General Order 102 of the Federal Radio Commission provides, in Section 2, that applications from under-quota states in zones which have already been allocated to have their pro rata share of radio facilities should be for a facility already in use in that zone by an over-quota state.

Redirect examination.

By Mrs. Willebrandt:

Q. Is it generally believed that the angle of radiation of a high frequency station will cause more local interference to a station on the same frequency at a distance of 500 or 700 miles than will a station on low frequency cause to a station only several hundred miles separated? In other words, will you explain whether it is generally believed that the radiation of high frequency goes practically at an angle and drops down so that consequently the interference or nuisance value is more likely to occur at a considerable distance than on a low frequency, the low frequency radiating out

on a more level line? Is that generally believed? A. The angle of radiation of a broadcasting station is dependent upon the antenna and the frequency at which the antenna is operated; but if we assume the same energy radiated in a given angle to the horizontal, it is further gener-
270 ally believed that the higher frequency is more completely reflected and accordingly gives somewhat stronger signals at distances than do the lower frequencies. The higher frequencies accordingly may produce more interference with stations at a distance. However, the antenna structure has considerable to do with it, and such a rule cannot be drawn as applying to the entire broadcast band, because in many cases we know of it is the reverse from one end of the broadcast spectrum to the other.

Q. I am assuming, now, in my question that the antenna situation is the same. The question would not be possible of an answer without that. Now assume that the antenna situation is uniform and appropriate: is it a generally accepted belief that better immediate local service may be expected from a low frequency station than from a high frequency station of the same power? A. The absorption of ground wave on the lower frequency station is as a general rule less than on the high frequency, and accordingly the low frequency station will give better immediate local service from the transmitter.

Q. So that if the purpose of a station was to serve an immediate local compact area, other things being equal, it is likely that it could more evenly do so on a low frequency than on a high frequency? A. That would quite probably be true.

Q. And is it also probable, other things being equal to which we have referred, that a low frequency will cause less interference by mileage, that is, by coming a little closer in miles, than would a high frequency? A. If the
271 entire country were uniform and the antennas were all made to work exactly the same way with respect to the frequency operated upon, that would probably be true; but it is quite removed from what the actual conditions are that are encountered.

Q. Yes; we are assuming in hypothetical questions certain impossible factors, one being that antennas are all right, and those things we cannot put in any proof about. There is just one other question. Therefore would you

say, all other things being equal, that is, these hypothetical factors we have spoken of, that bringing two stations 35 miles nearer would be likely to cause less interference merely because of the 35 miles, if the frequency was lower than if it were higher? A. The local conditions that generally prevail would determine the interference over a slight move of 35 miles compared with the mileage separation of two stations with which interference is expected.

Q. In other words, so far as scientists have been able to diagnose the symptoms of high frequencies and low frequencies, and come to scientific conclusions with respect to their operation, with the many variables that they cannot control, moving 35 miles closer would be likely to have less nuisance value on 560 than it would on a higher frequency, would it not? A. With respect to side frequencies on 560 there is a possibility of cross talk interference being increased due to the better propagation at the lower frequency. Heterodyne interference would be de-
272-275 pendent, as to distant stations, more upon the antenna than upon that slight difference in distance.

Q. It is the latter that we generally speak of as nuisance area, is it not? A. When we refer to the nuisance area, it is that area over which a station causes interference but does not give service, which generally is the sky wave factor.

Q. You said that WIBO and WPCC were worth .88 units, did you not? A. Yes.

Q. Will you please state whether they are counted as .88 in the figures you have given us, first, as of January 6th, 1931, and then as of the present time, separating your answer, if you please? A. I made an intensive search of the hours that the stations were licensed to operate and arrived at that figure from those hours. From my record the quota units for the two stations are given as .69.

Q. Will you please turn to the stations on 550 kilocycle frequency, and examining the stations and the distance separation, tell me whether any of the stations on that band fall 35 miles or more below the recommended sepa-
276 ration of the Commission? A. WKRC at Cincinnati is approximately 310 miles from KSD and KFUO at St. Louis with a night power for the St. Louis stations of

500 watts, and for the Cincinnati station of 1,000 watts. The recommended separation is 1,050 miles.

Q. You have had protests on those stations with regard to cross talk? A. Yes; we have had letters, supervisors' reports and other information showing serious interference.

Q. That falls how much under the recommended separation? A. Approximately one third.

277 Chief Examiner Yost: Are you prepared to show by competent testimony the conditions that result from the operation of these stations?

Mrs. Willebrandt: No. All I can show is the negative. That is all we have access to, and I would have to show that through the Radio Commission's own witnesses.

278 Q. Do you consider that the recommended separation of the Commission has got slack enough in it under normal operating conditions, and in the absence of other factors which you cannot compute, to make the interference between two stations located 30 miles closer to one another than the recommended separation of the Commission, a negligible interference?

Mr. Newman: Put the further qualification in there as to the actual distances, and the powers. Thirty miles may not make any difference when it is 3,000, but it may make a difference when it is 300.

Mrs. Willebrandt: The powers are the same.

The Witness. I am familiar with cases of stations less than the recommended separation where we have but little complaint of interference. I am familiar with cases greater than the recommended separation where we have many complaints of interference.

Chief Examiner Yost: For that reason the Examiner is of the opinion that the proof should be directed to particular stations that are now in operation if it is desired to show the result on this frequency or frequencies adjacent thereto; and he is further of the opinion that the fact cannot be established by the negative. The mere absence of complaints is not sufficient to establish the fact that there is not interference.

279-281 Mrs. Willebrandt: If the Examiner will be patient with my taking issue with that statement to this extent, let me say that an applicant before the Radio Commission is confronted by a constant series of

either real rules or shibboleths. We want to find the truth about those that are real rules. These recommended separations count for almost nothing, apparently, in the actual practice of the assignment of stations, because the records show almost daily assignments a little below. The only point I wish to bring out in an average from him is that this recommended separation is a scientific recommendation only and has slack in it.

Chief Examiner Yost: That may be shown. But the Examiner is of the opinion that the applicant should show by positive and direct testimony the result of the operation of any such stations that you seek to compare with the station of the applicant.

282 Chief Examiner Yost: Of course, the witness may answer any question that is relevant to the issue here, based upon his skill and experience and knowledge as an expert engineer; and only in so far as he answers that and only in so far as proof has been offered of the effect of the operation of any particular station will the testimony be regarded or considered.

283 & 284 By Mr. Newman:

Q. Mr. Ring, if you assume that a station changes its frequency from 1,360 to 560 kilocycles, and in each case adjusts its equipment to maximum efficiency of radiation, can the average listener tell the difference in volume? A. That will depend somewhat on the location of the listener. Generally speaking, there probably would not be a great deal of difference unless there were conditions present that changes the absorption factor on the particular fre-

285 quencies.

Q. Mr. Ring, on what do you base your recommended distance separations which you would recommend as between any two given stations? A. I base my recommended separations on this table that was prepared, on my own personal experience in listening to stations, on testimony given by other experts on the subject, and on numerous readings taken by the Department of Commerce Radio Division, and reported to the Commission. On these numerous field intensity readings, we have made graphs of the average propagation to be expected throughout the country. These reports have been verified by further

286 inspections made of the stations operating on the various frequencies.

Q. What factors are taken into consideration? A. In making our average propagation, we measure the stations as they are operating today.

Q. What other factors, with respect to the nature of the topography of the country as a whole? A. They are based on actual measurements. Actual measurements naturally take in all involved factors.

Q. They do not represent a distance which you would recommend under ideal conditions of broadcasting, do they? A. The table is made up from average conditions, to prevent interference in the good-service area, and no endeavor is made to protect the intermittent service area of the station on average conditions in the United States.

By Chief Examiner Yost:

Q. Your recommendations are the same for the entire country, regardless of the natural conditions that prevail? A. Our table is made up as an average, thought to be best applicable to the entire country, although it is well known that various parts of the country vary somewhat.

By Mr. Newman:

Q. However, is it better, Mr. Ring, that the distances in the usual cases be greater or less than those which you have recommended? A. If it is desired to protect further than the good-service area, the distances should be
287 greater, and in the central part of the country, especially in the Mississippi Valley and in the lower Lake region, the distances are too small, if anything.

Q. When you say the good-service area, do you mean by that the radius in miles which you would expect in accordance with the first classification of service, bearing in mind that we usually have three classifications? A. Good city residential to rural area, is what I have in mind when I define good-service area.

Q. What did you state that to be in the case of a 1,000-watt station? A. The good-service area of a 1,000-watt station is estimated to be approximately 35 miles. However, that will not render good service for that distance in the business sections of cities.

Cross-examination on behalf of WIBO.

By Mr. Boyd:

Q. Mr. Ring, if, by examining your airline map, you find 47 miles to be the exact, precise distance between the transmitter of WIBO and the transmitter of WJKS, your testimony would be changed in that particular? A. Not materially, because 49 miles compares with the——

Q. I will ask you to examine the map and find out whether or not it is 47 miles, in spite of the testimony which you furnished? A. What is the exact location?

Q. Desplaines. A. (After examining map.) I
288 measure the distance between Desplaines and Gary to be 42½ miles, after careful computation.

By Chief Examiner Yost:

Q. That is, Gary is 42½ miles nearer Columbus than is Chicago? A. Just about. Gary, Desplaines and Columbus are approximately in line. I have given the distance as I have measured it from this atlas, the Rand-McNally commercial atlas.

By Mr. Boyd:

Q. Will not high angle radiation or heavyside cause more interference at a distance than close-by? A. High angle radiation generally means that the sky wave will be reflected back to the earth relatively close, causing closer interference. Low angle radiation gives a sky wave that returns at a greater distance from the transmitter,

Q. Is not low angle radiation ineffective for short distances, as compared to the horizontal or ground wave radiation? A. The low angle radiation naturally would return at a great distance, and not have any material effect upon the horizontal radiation or ground wave.

Q. In an antenna, does not a large portion of flat top increase the low angle radiation? A. Yes. It is generally considered that the low angle radiation may be increased by adding flat top.

Q. Would not the elimination of a portion of low
289 angle radiation, and an increase in the ground wave radiation, improve the ratio between the desired signal received, and interference within the service area of

a station, all other conditions remaining the same? A. The greater the radiation on the horizontal portion, the less the interference would be, it is expected, with other stations at distances on the same frequency, but the cross-talk interference may be increased locally.

Q. Is the question clear to you? A. When you say "within the service area of a station", I considered that to be any station, and answered accordingly. You will have to define the station you are thinking about. I considered it as any station with which interference may be caused.

Q. Use that in connection with WJKS, and the service area of Station WJKS.—that is, changing the equipment of WJKS, and confining it to the service area of WJKS. A. Any change in the equipment of antenna system whereby the energy is radiated more on the horizontal plane, would indoubtedly result in improvement of the service of the station.

290 By Mr. Boyd:

Q. Will a 100-watt station located at the location of WJKS, efficiently operated, provide satisfactory and proper service to the citizens of Gary who are listeners to that station? A. It would not be possible for me, with only the information I have at hand, to say that I believe, or do not believe, that a 100-watt station could serve the city of Gary. That is dependent upon many factors, such as the absorption, the size of the town, the possible location of the station, and so forth.

By Mrs. Willebrandt:

Q. Mr. Ring, may I ask you one hypothetical question? If a station had, within the distance that you have testified to as its excellent or good-service area, definite cross-talk and constant interference of a cross-talk and heterodyne nature, so that occasionally the names of stations on its same frequency could be heard, would you call that rendering what you have described as good service within that good-service area? A. If I understand the question
291 correctly, any cross-talk interferences within the good-service area naturally is objectionable interference in the good-service area.

By Mrs. Willebrandt:

Q. It means that it is not good service? A. Limiting that area that may be considered as the good-service area.

Q. If it is found, within the good-service area, such as you have defined, that there is interference by cross-talk, so that another station on the same frequency comes in clearly enough so that its call letters can be distinguished, how may that be corrected? A. In two general ways: first, increase the signal of the station until the interference is no longer noticeable; and second, eliminate the source of the interference.

292 Chief Examiner Yost: Certainly the quality of service rendered by Station WJKS on its present frequency assignment, and the question of interference and cross-talk, are in issue here, and may be rebutted or gone into to a considerable extent by any parties to this hearing.

By Mrs. Willebrandt:

Q. What is the power of Station WFBL Syracuse? A. 1,000 watts night, and 2,500 watts day.

Q. What is its milage separation from WJKS? A. Approximately 590 miles.

Q. Is that within the recommended mileage separation? A. That is approximately half the recommended mileage separation.

Mrs. Willebrandt: Here may I call the Examiner's attention, on the record, to the fact that General Order 102 limits us, in our application, to the selection of a station within the zone that is over-quota, in order to put in our proof to correct the evils that we make an effort to show we are suffering from. We have to choose a station in an over-quota State, within our Zone.

Q. Would you say, that if a station of 1,000 watts on the frequency of the applicant here, is operating at half
293 the recommended mileage separation from another station on the same frequency, it would cause cross-talk and interference under normal broadcasting conditions? A. For cross-talk to be the predominant interference between two stations on the same frequency, it is necessary that their frequencies be keep so close that the

heterodyne is not noticeable; and from the statement of the attorney, that appears to be the case. Under those conditions, the mileage separation is much less when objectionable heterodyne would be caused, than in the case of cross-talk.

Frank B. Falknor was called as a witness on behalf of the applicant and, having been first duly sworn, testified as follows:

Direct examination:

Mrs. Willebrandt: I presume it might be stipulated that Mr. Falknor may be qualified as an expert. He has been qualified many times before the Federal Radio Commision. He was qualified as an expert in the high power hearings.

By Mrs. Willebrandt:

294 Q. Will you state your experience? A. I attended Carnegie Institute of Technology in Pittsburgh for three years, and studied physics, and entered the Westinghouse Electric & Manufacturing Company at Pittsburgh, Pennsylvania, and was employed there from April, 1920, to November, 1920, in the electrical engineering laboratory. From November, 1920, to June, 1921, I was an electrical engineer. From June, 1921 to December, 1925, I was a radio engineer. From December, 1925, to October, 1927, I was employed as radio engineering assistant to Dr. Frank Conrad, assistant chief engineer of the Westinghouse Company. During this employment, I had complete charge of the development and installation of the synchronization of radio stations WBZ, Springfield, Massachusetts, and
295 WBZA, at Boston. Since October, 1927, I have been acting in a consulting capacity on radio matters to the Elgin National Watch Company of Elgin, Illinois; the teletype division of the Western Electric Company, Chicago; the Fox West Coast Theatres Company; and the Fox Film Company; also the Westinghouse Electric & Manufacturing Company, and the Indianapolis Light & Power Company, as well as quite a number of radio stations.

Q. Have you made an examination of the transmitter of the applicant station? A. I made an examination of the transmitter of WJKS on March 5, and found that the

transmitter consisted of a crystal control apparatus with the usual and necessary intermediate amplifier stages, that would be used in that type of equipment. They employ low level modulation, and the antenna was fed by a power amplifier using a Western Electric type 228 tube. The apparatus was so arranged as to produce high level modulation. The equipment was in good mechanical condition, and appeared to be in good electrical condition. It is
296 an average and typical composite transmitter.

Q. Figuring the power input to the transmitter according to the standards set by the Radio Commission, is the transmitter of WJKS capable of putting 1,000 watts into the antenna, with 100 per cent modulation? A. All the apparatus in use is capable of putting a thousand watts into the antenna. At the time I was there and made the inspection, the plate voltages, according to the meters, were 4,000 volts, and the plate current on the last amplifier tube was .75 amperes, which, according to General Order 93, is a proper input for 1,000 watts.

Q. Where do you live, Mr. Falknor? A. 8028 Vernon Avenue, Chicago.

Q. With respect to the mileage from the antenna of WJKS, where are you? A. About 30 or 35 miles, I believe, from WJKS.

Q. You are within the reasonable service area of WJKS? A. Yes.

Q. Do you listen to WJKS? A. I do occasionally.

Q. For how long a period of time have you been observing WJKS? A. Well, I have been observing them rather intermittently for at least a year, and at various times the signal was too poor to give good service—not from the signal strength standpoint, but due to a heterodyne, usually of anywhere from 200 to about 100 cycles
297 per second, which made it rather objectionable to listen to. On March 4th and 5th of this year, I made two observations for the specific purpose of determining the extent of the heterodyne. I found on those two dates that the heterodyne was extremely bad. It was some time between 7:30 and 9 p.m.

Q. Could you identify the cause of the heterodyne? A. The station causing it could not be identified.

Q. In your opinion was it definitely caused by other stations, or another station? A. The beat note was very

constant, which would lead me to believe, and I do believe, that it was caused by another radio station.

Q. Are you familar with the stations in the Chicago area? A. I am familiar with most of them, and I have made a study of their service areas.

Q. I will ask you to look at this map, first, and state what it is. A. This map was made from a Rand-McNally map, and it is a map showing a portion of Northern Illinois, Indiana, and Michigan. It has circles drawn on it to indicate the good-service areas of Stations in the Chicago vicinity.

298 Q. Are all the stations in the Chicago vicinity represented on this map? A. No, they are not. Several stations have a good-service area that falls outside the extent of this particular map. They are indicated in the notes, and are: WENR, WLS, WGN and WJJD.

Q. All the others that are small enough to show on this map of the Lake Michigan area, including Chicago, Michigan and Indiana, around the Lake, are shown here? A. They are shown.

Q. Will you state whether this map was made under your direction? A. It was made under my direction.

Q. You have referred to the good-service area as represented in the circles on this map. State exactly what you mean by that. A. The radii of the circles on the map are such that they conform with the radius given in a previous hearing before the Commission in the WGY case, in which the Commission specified various service areas for various powers. Those radii were taken and circles drawn from those data.

299 Q. Are they substantially what Mr. Ring has just given on the stand? A. They are substantially the same. There is some variation.

Q. Is the variation appreciable, so that it would make any appreciable difference here so far as the distance is concerned from Gary to Chicago? A. It would make very little difference from that standpoint. Most of the difference exists in the stations of 10, 20, 25 and 50 kilowatts.

Q. The 25 and 50-kilowatt stations are too large, anyway, to show on this map? A. They are too large, anyway, to show on the map.

Q. The smaller stations in Mr. Ring's testimony were substantially given as you computed them here, according

to the Radio Commission's testimony in the WGY case? A. The smaller stations, I believe, are exactly the same.

Chief Examiner Yost: The witness is prepared to testify that all the information contained on this map, in addition to the original map, is true and correct, and is what it purports to be?

The Witness: Yes, to the best of my knowledge.

Chief Examiner Yost: It may be admitted.

(The map referred to, showing parts of Illinois, Indiana and Michigan, was marked, "Applicant's Exhibit No. 1," and two copies thereof are on file with the Commission.)

By Mrs. Willebrandt:

Q. Examining this map, Mr. Falknor, will you please state what other stations serve the same area, and,
300 according to that computation, completely overlap the good service area of WIBO? A. WMAQ, WJAZ, WCHI, KYW, WBBM, WENR, WLS, WGN and WJJD.

Q. Now, will you give the list of stations that overlap, by at least 50 per cent, the good service area of WIBO—or very largely overlap it? You cannot give exact*ly* percentages, of course. A. I cannot give exact percentages, but it is very largely covered by WCFL, WGES, WPCC, WEHS, WKBI, WCRW, WSBC, and WEDC. I believe that is all.

Chief Examiner Yost: Dr. O'Hair, you may take the witness stand.

Testimony on Behalf of WPCC.

Whereupon **John C. O'Hair** was called as a witness on behalf of WPCC and, having been first duly sworn, testified as follows:

Direct examination.

By Mr. Clifford:

Q. State your name and address. A. John C. O'Hair, 1011 Wilson Avenue, Chicago.

Q. What is your business? A. I am Pastor of the North Shore Church of Chicago. They call me the general manager of the radio station.

Q. You are appearing here, then, for the North
301 Shore Church of Chicago, which is a respondent in this case, being the owner and operator of Station WPCC? A. Yes, sir. WPCC operates on 560 kilocycles. We share time with WIBO of Chicago.

Q. What time does your radio station appear on the air now? A. We are licensed for 12 hours, Sunday only, but by an agreement for division of time, we relinquish or release to WIBO from 12:30 to 4:30; and from 7 to 8 on Sunday, 5 hours. We release that time to them, and in exchange we broadcast by remote control over their transmitter, from our church, 30 minutes each day, from 12 to 12:30 p. m.; Monday from 7 to 7:30 p. m.; Tuesday from 7:30 to 8 p. m.; and Friday evening from 6 to 6:30 p. m.

Q. What is the nature of the programs that you are putting over the radio station? A. We broadcast on Sunday morning the International Sunday School lesson; then the organ, the choir, and the congregational singing, and the message in the morning. Then we go off at 12:30. From 6 to 7 Sunday evening, we have different choirs come in, and special singers. There is no speaking during that hour, from 6 to 7, as a rule, unless there is a missionary or someone visiting in the city. Then we are off from 7 to 8, and we come on with the evening services—that is, the congregational singing and the message. At 9:30 we put on the request program for an hour and a half.

302 Q. What does this program consist of? A. We have special choirs come in and sing. The message is asked for over the telephone and through mail, by our radio supporters and friends. We try to make this very largely interdenominational. We have different choirs, and we are interdenominational. We have, I think, 14 different denominations represented in our membership. We do not lay very much stress on membership. We try to get them in the real church.

Q. Where is your church located in Chicago? A. Sheridan Road and Wilson Avenue. That is 4600 North and two blocks West of the Lake.

Q. What do you broadcast on Weekdays? A. I did not get through with that Sunday night program. From 9:30 to 11 we have a program, and then we have always special musical programs between 11 and 12, and one 15-minute message.

Q. You mean by "message," a sermon? A. A sermon. From 12 each day at noon, I have a WPCC class. I have been broadcasting for two years over WIBO, and we have in that class thousands of registered members—in the WPCC class—and they have been real helpers with us in our relief work. They support about five missionaries in the foreign field, through this WPCC class. There are represented in the membership of that class, representatives from nine States and Canada.

Q. Do those members send in contributions to you for your religious and benevolent work of the church? A. Oh, yes. They support these five missionaries. I think they have given 50 per cent of the money we have had in relief work. Many of them are also our WPCC hearers.
303 They are identified with us on both stations. Then Monday evening, from 7 to 7:30, I give a message on prophesy, which is very interesting to the great majority of people who know anything about the movements of this age in which we live. Then, Tuesday evenings, we have a high-class musical program. That is all music on Tuesday evening. That is over WIBO. Then on Friday evening, from 6 to 6:30, there is an evangelistic or Bible exposition for 30 minutes. As a rule on Friday, that is the general program.

Q. Are these programs, then, that you broadcast, all religious, devotional, and spiritual? A. Well, I never touch politics, and we have no book reviews, except the Bible, and our work, of course, is of a spiritual nature, but not to build up any particular sect. It is general. I am an old-fashioned orthodox preacher. I do not try to tickle anybody's ears.

Q. The broadcasting, then, you say, would be educational, religious, devotional and spiritual? A. Oh, yes. We have — message of an educational nature at times, at the present time. Of course, we formerly had much of that, when we had more time.

Q. Do you do any commercial broadcasting? A. None whatsoever. I think I would be better off if I did, we could not do that with WPCC. We would have to change our call letters. Our call letters stand for "We Preach Christ Crucified;" "We Praise Christ Continually;" and
304 "We Proclaim Christ's Coming." Most of the merchants would be so embarrassed with such call let-

ters that they would not give us any time.

Q. Have you anything else you want to tell the Examiner about your programs? A. I would just like to make a statement to show how we would be affected if we should be removed from the air.

When I took the church, before we installed the radio, the church was very much in debt. Shortly after I got there I began on this radio. Since the time we have installed the radio, we have more than trebled our audiences. Our budget now is two or three times what it was before we had the radio. We have raised our representation of missionaries in the foreign field from one to twelve, and we have been able to do a great deal of relief work. I think Thanksgiving Day we gave away $2,200, and we have been doing relief work, not only on Thanksgiving Day and Christmas, as people generally think, but at Christmas-time we raised $2,500 for the poor and $2,200 at Thanksgiving, and in addition to that, since the depression came on, I have been taking care of 34 families, representing over a hundred children, sending those children to the department stores and paying for their clothing. I have been furnishing from one to four quarts of milk every day since the depression started, for all these families. We have given out tens of thousands of garments. We have paid their doctor bills. We have employed a nurse, or a missionary to call at these homes, and while we deal with them physically we quote to them what the Lord said: "What shall it profit a man if he gain the whole world and lose his own soul?" and, of course,
305 we put the spiritual values first. I might say that I am not a regular preacher. I spent 17 years in the business world—real estate, law and some other things—and I try to handle it from a practical standpoint. I never spent any time in a seminary. We have taken care of these needs.

In addition to that, every Saturday night we have fed from 100 to 200 unemployed young men. None of them are hoboes. They are unfortunate men out of work, and I might say that we have never discriminated in this work against any particular religion. We have a conviction when we preach to them spiritually, but when we are feeding them, we believe that a Catholic, a Jew, or a Presbyterian, has the same need, and we put thousands of dollars into feed-

ing them. We are still doing that, and giving money also.

I might say, in regard to the work of our missionary that our missionary to these poor people was associated with her husband as a bootlegger in Chicago, and she heard the message over the radio, and was saved, and we put her through a missionary training school, paid all her expenses, and next week she leaves for South America as a missionary. She is a product of the radio programs.

I could cite scores of cases. We have a clinic, and everything else there, where divorced couples, drunkards, and ex-convicts, as well as the folks that are "up and out" can come. We live in the district where they are "up and out." We have brought about reconciliations, restored homes, and everything else, through the work of our radio station.

306 As to our finances, we would be very much crippled if we should lose our radio station. We were offered $800,000 for our church property, and I have said that if I had to give up the church or the radio, so far as real practical work is concerned, I would prefer to give up the church, and go in any kind of a room, rather than forfeit the radio.

I believe—and I am very modest in this statement—that we are doing more good for the United States Government and the City of Chicago than all the other 21 stations in Chicago combined. That is a very modest statement. I am talking about real good for the United States. You know, an ounce of prevention is worth a pound of cure. We generally get them after the law has dealt with them. You cannot legislate sin out of the human heart, but I can give an experience I had. When the Lord saved me, he saved me from all those evil habits, and kept me out of a great deal of trouble, and I work on the same prescription for my clients.

Q. You heard Mr. Johnson's testimony as to the character of programs which are being given over his station for the benefit of the citizens of Gary, particularly the foreign-born citizens. How do your programs compare with his? A. We tried the broadcasting of the foregin languages, and we lost all our radio audience. I do not believe it can be successfully worked in any district, but that is an opinion. We have, however, a greater number of foreigners in Chicago than they have in Gary. I might say that I am

not overstating the fact when I say that 20 per cent
307 of our income comes from foreign-born people in the support of our work. We find them, as a rule, contrary to a great many opinions—especially certain European foreigners—to be most religious people from a real spiritual standpoint—far more than the American people here, many of them. I think that is true. We are doing that work, and I might say this—I do not want to say anything against Mr. Johnson, but I have on file in the Commission's office many signatures on our petition, and letters from the Calumet District. We have a very large audience in the Calumet District on our station WPCC. I think Mr. Baldwin, the secretary of the Radio Commission, told me yesterday that he had received 44,000 signers, and I could get 400,000 if I thought it would do any good, although we are not trying to say that our message is popular with everyone. But we have these signers, and many of them are from the Calumet District.

Q. What do you mean by signers? A. To a petition asking the Radio Commission to act favorably upon our request, and our petition against WIBO, which is not in this case. Mr. Baldwin told me himself that he hoped it was nearly over, because they would wake him up at 2 or 3 o'clock in the morning with a telegram, which was not sent as a night letter, but a straight telegram, asking him to please give us favorable consideration. He said he did not want to be wakened at that time in the morning with telegrams, but he had had a great many of them. I think it is true that General Saltzman has had hundreds and
308 hundreds of telegrams from our listeners endorsing the work.

Q. Which you are doing in Chicago through the radio? A. Through the radio, yes. I want to say this, that it is customary with most of these radio stations to get an offering around Thanksgiving or Christmas for their work, but we carry it on every day in the year. We carry on this practical Christian work, as I said, in providing for more than a hundred children, and 33 or 34 families, and I want to say that not one of them live anywhere near our church. Not one of them is a member of our church, That is the radio fund. We take care of our own poor out of our church fund, but this is all through radio funds and through the members of our church. We have this nurse go around

and investigate each case, so that, so far as possible, we can be sure that we are not being preyed upon by imposters.

Q. Can you state offhand what your budget was last year? For your church, which you used in your church work, and your radio work, approximately? A. It is between $42,000 and $43,000, but that does not represent it all. That is just what we disbursed. Let me get this into your mind, that we get hearer over the air who wants to help a poor family, and we send the nurse to that ad-
309 dress of the hearer. We give her the address of a poor family. Then that family provides for the poor family. We have no way of estimating the thousands of dollars of benevolences, or the extent of the relief work that is done in that way, where we only act as a medium. But we disbursed, in our regular work last year, from our own treasury, between $42,000 and $43,000.

Q. Have you adequate funds to maintain this radio station in Chicago? A. I always say that when the Lord took me in the ministry, he spoiled a good business man to make a poor preacher. When I was 29 years old, I was making two or three times what I make now. As I said in my other statement, it costs me from $25,000 to $50,000 to go into the ministry, and I put business methods into it, of course.

Q. So, your church has adequate funds at all times to maintain the radio station? A. Yes. We have never had a deficit since I have been with the church We have always had a surplus.

Q. What is the state of the finances of the church now? A. We have a $10,000 fund set aside as a nest egg, you might say, toward the construction of our new station, and I think you realize our position, when we are in benevolent work. Every time we get $100 or $200, we give that away. We are not trying to make money. We are trying to
310 get money now to send more missionaries to the foreign field, but we have $1,800, I suppose, in each one of our two or three different funds, as a surplus for protection. All our bills are paid.

Q. You spoke of your church propetry. Did you say you had been offered $800,000 for it? A. We were offered $750,000 for it. You asked me about the bills. I just want to get in my annual report here. On the 27th day of December, we paid every bill for 1930, so we did not have a 5-cent deficit on the 1st of January, 1931. We always keep in the

clear on money matters. The board of trustees turned down $800,000. It was once valued at $1,000,000.

Q. That is, you were offered that at one time—how long ago? A. We were offered $750,000 two or three times, but that was before the depression. I do not know whether we could give it away now, or not.

311 Q. Are you familiar with the other radio broadcasting stations in Chicago? A. I checked up, of course, from many angles. I put in my statement yesterday that there are 20 stations there, and on Sunday I think the 20 stations broadcast an aggregate of something like 60 religious hours, but during the week in Chicago there are 512 hours being used, I think—approximately 500 hours—between 6 o'clock in the evening and 12 o'clock midnight, and not one single spiritual program out of the 512 except the two I am now putting over WIBO. There are 512 secular, worldly programs, and not one of a spiritual nature in Chicago, which has as great a need as any city in the world for what we are doing.

Q. Are there any other radio stations in Chicago doing the work which you are doing? A. WMBI—giving my opinion, again—has the greatest program in America. It is limited to daytime only. They are not able to go on at night. They are doing very much the same work we are doing, except for the relief work.

Q. That is the Moody Bible Institute? A. Yes. They have no evening hours. There are no evening hours of spiritual broadcasts in the city of Chicago of any kind during the week.

Q. Is there any other station doing the relief work? A. Just at Christmas and Thanksgiving time. I think now they have had to. There are five or six organizations in Chicago that are doing it, in a civic movement of some kind. I think there are others. I could not say, but

312 they are not doing it as we are. They are not sending a woman around, as we are in the work we are doing, and giving the combination service that we are. We deal with their souls while we are dealing with them physically.

Q. Is there any other station sending out missionaries to the foreign fields through its radio work? A. There is no work of that kind. WMBI have 3,600 missionaries among their graduates in the foreign field today. They

were all trained in their school during the past years, but as a result of their radio many people come to their school and prepare for the missionary work. But they do not support it. We support our own missionaries with our radio audience. They are in interdenominational work, and they send their own graduates back to their own churches to be supported by their own congregations.

By Chief Examiner Yost:

Q. I suppose you mean financial support? A. Yes. The Moody Bible Institute does not support them financially. They graduate them and send them back to their own churches, and their local congregations. I do not know of any station in the United States where the radio listeners are supporting the missionaries, outside of ours.

By Mr. Clifford:

Q. Doctor, if you know, how does the radio affect the attendance at your church services? Has the attendance at your services increased since you have used the radio, or decreased? A. Very much increased. I think it is a mistaken idea that radio broadcasting decreases the audience in any church. It will increase them, if you have anything to say to them. It is just like a restaurant.
313 People go where you feed them, and if you feed them what you are supposed to feed them, as a pastor, the attendance will certainly be built up. It has doubled our audience. Easter Morning I think we had 250 more than capacity, and we had 29 people accept the Lord in the old fashioned way, Easter Morning.

Q. Have you anything else you desire to tell the Examiner about the work of your radio station? Or the work through the radio? A. I think the Examiner knows, from the other records, and it is on record. I might say this. If you will give me these newspaper clippings, I would just like to show these to the Examiner, if it is agreeable. Here is the Evening News of Chicago, with the pictures of 60 of the children we are taking care of. (Indicating.) Here is a picture of the Thanksgiving Dinner, in the Tribune (indicating); and here is a write-up in the Chicavo Evening American, of our relief work.

314 By Mr. Clifford:

Q. What is this (exhibiting paper to the witness)? A. That gives a general outline of some of the work we are accomplishing. This is from a magazine that we issue, called "Unsearchable Riches." That is issued every once in a while. Here is a picture of part of our Sunday School, and the church, and some of our friends (indicating). This lady (indicating), is the lady who was engaged in bootlegging until she heard the message and was converted. We paid for her training for three years in a training school, and now she is going to South America.

I just wanted to add, if I may, before I go, that I feel that if we were put off the air, it would be the most serious damage, not only from a personal standpoint—so far as I am concerned personally, I can move tomorrow and get into another church with a radio. I am thinking of Chicago, and I want you to believe me when I say that it is not a selfish matter. I could go to a good many other churches, if I wanted to. I can select one. I had the offer of a church with a radio, and could go to a different district. The Lord has called me to Chicago, and the Lord gave us this radio. If the Lord takes away our radio from us, I will say, "Thy will be done." There are 40,000 people praying in this matter. I am fighting for the city
315 of Chicago in this case. I want to do all I can beforehand. After it is decided, I am fully resigned to it, and I will not have any comeback.

By Mr. Clifford:

Q. Would the work of the North Shore Church be seriously affected if it should lose its radio station? A. Most assuredly so. Some weeks we have 500 and 600 new listeners added to our audience, and if we can keep that up—I believe, in my own judgment, that one radio station can accomplish more for the cause of God and humanity than any 150 churches in any place combined. I do not think there is any doubt about that. I think it is the greatest instrument of God that has ever been put into the hand of man, but I think the devil is running away with it.

Q. When was your radio station established in Chicago? A. In July, 1924. I can remember quite well, because I

sat up for three nights until 2 o'clock taking tests. We then broadcast with WDBY. The people in the neighborhood used to say that those call letters stood for "We Delight Bothering You." We had 256 meters at that time, with 24-hour operation. About two years after that, we were assigned to 222.3, or 223.6, under the call letters WPCC, for which we applied. After nearly two years, we were called to Washington, and at that time we were given a division of time with the University at Madison, Wisconsin, and the University of Illinois, each of the three stations to have one-third time. When I got back to Chicago, I received a notice that we had been assigned to 560, and my license read, "one-seventh time." Then Mr. Pickard called me up from the Supervisor's Office and told
316 me that he had a recommendation to make when he got back to Washington. Then we received our license without any further notice, on a frequency of 560 kilocycles, and instead of one-seventh time, we received about one-eighth time, but the hours are specified in the license, as I gave them to you in the beginning. This is our eighth year of continuous operation.

Q. How many stations were there broadcasting in Chicago when your station was established? A. We were the sixth station on in Chicago, and the eighth in Cook County, I think. I think there were five. We went on before the Rainbow Garden. We went on as the sixth station.

Q. How long would you say, then, that the station has been on trial before the people of Chicago? A. Since July, 1924. It will be seven years in July. I went there some months before that. I went there in the latter part of 1923. It will be seven years in July.

Q. You are objecting to the removal of your station from the air? A. I support the proposition that I want to be maintained and get a little more than what I have. I wish there were enough for everybody to get just what he wanted. I have even said that to WIBO, and I would say that to Gary. I wish we could all get what we need. I am not against anybody. I do not care who they are. I just want to preserve my own rights.

Mr. Clifford: I would like to ask counsel if all
317 parties concerned are agreeable that it may be assumed that this station, the North Shore Church,

has sufficient equipment to carry on this work? Or will it be necessary for me to go to the trouble and time to prove the equipment which this station has? I know it was ruled in one case that so long as a station had been operating, it was assumed that they had sufficient equipment to do the work.

The Witness: I would like to make a little confession right there, if you will let me.

Mr. Clifford: Just a minute.

The Witness: Because I have another case pending.

Mr. Newman: Are you referring to mechanical equipment?

Mr. Clifford: Mechanical equipment, yes. We have proved that he has been broadcasting for eight years, and we have shown the work that he does. Is it necessary to tell what equipment he has, or can it be assumed that he has sufficient equipment to continue this broadcasting?

The Witness: I might say there, if I may, that I think they would be better satisfied than I am, because I am asking for a permit to build a new station. I have the money, and I am going to be disappointed until we do get our new station.

By Mr. Clifford:

Q. That application is pending, is it? A. That application is pending, and we will build it immediately after we are permitted to do so.

Mr. Newman: I do not think such assumptions are safe. However, it resolves itself into the question of whether or not it is a material issue in this case.

318 By Chief Examiner Yost:

Q. You have at present a 500-watt station? A. Yes.

By Mr. Clifford:

Q. Where is your station located? A. It is located in the church building. One reason why we want to move, of course, is that there are several buildings around us higher than the church, which cause a little interference. We will either have to raise our towers 50 feet, or move out, and if we raise the towers, it makes it a very difficult proposition on account of the city ordinances.

Q. Have you a radio engineer employed to take care of your station? A. Yes. We have a very competent man. Mr. Charles S. Baker was originally the engineer for a 50-kilowatt station in Dallas, Texas. He built the Wichita Falls station. He is a very competent man.

319 By Chief Examiner Yost:

Q. What can you say as to maintaining your frequency? A. Well, right across the street from us, within 50 or 75 yards of our transmitter, they have a loud speaker where they broadcast all day long. They have a loud speaker out in front, and broadcast different programs. I have asked him several times, after we put in our perfect crystal control—we have never deviated a hair's breadth that I know of, after we put in the crystal control, and I have asked him whether we produce any interference, and he said no. That might not be a fair test on 560, because there is nothing very close to us, but we have never had any complaint along that line.

By Mr. Clifford:

Q. Have you ever had any complaint from the Radio Supervisor? A. Never.

Q. Have you ever had any complaint from anyone? A. No, not since we have been under crystal control. Of course, we all used to run kind of wild in Chicago, but not with our equipment now. I want to say this, that when the bars were down, so to speak, we started in with a 2,500-watt station, and I went up to WIBO—I thought they had about the best station that could be put in for the money, and I went up to get the number of their generator, and so forth, and we started to duplicate it, and we put in a generator that has a capacity of 5,000-watts or more, and we put in all our equipment, bought the tubes, and everything, for a 2,500-watt station. Then the Commission suddenly stopped us, and we did not go on putting it in, and it has remained in statu- quo ever since then. We have been

320 waiting and hoping for some kind of a permit to go on with a larger station, but we do have satisfactory results. I have letters—they are on file with you—from Milwaukee, South Bend, Racine, and Wheaton, from a mechanical man at the college, all of whom have made tests of our station, and they say they can hear us very clearly.

But, of course, now there is a great deal of interference. Yankton, South Dakota, interferes with us, as they do with WIBO and other stations. They are somewhat removed. St. Louis interferes with us. The interference that comes from St. Louis is real interference.

Q. While you are not an engineer, you are the general manager of this station. Would you say that the equipment you have is sufficient to carry on the work which you have been carrying on? A. The proof is that it is doing it, with very little trouble.

321 Cross-examination of Dr. O'Hair on behalf of the applicant.

By Mrs. Willebrandt:

Q. You started your station in 1924. Did you have your church property then? A. Yes.

Q. Was your church built then? A. Yes.

Q. Was the mortgage paid off on it? A. No. At the time I went in there, there were three millionaires, and they had a little competition to see who would get it, I think, and they increased the mortgage from $26,000 to $50,000. They borrowed $2,500 to pay the back notes, and they borrowed $1,500 to pay the back salary of my predecessor, and there were 67 people present, and $3.69 collection the last Sunday before that. They were in pretty bad shape.

Q. It is all paid up now, is it? A. No. The mortgage is still on it. The mortgages have been increased, for this reason; I paid off the $4,000. I paid off about $5,000,
322 with the surplus $50,000. I am not responsible for that. So, when we renewed the mortgage month before last, when it expired, the $10,000 on the mortgage is the start toward the new station, and it cannot be spent for anything else.

Q. Is the church a separate corporation from the station? A. No.

Q. Are the funds of the station and the church together or separate? A. No; all together. They have never asked us to incorporate.

Q. Do your church expenses come out of the pooled account of the proceeds that you get from collections in the church, and from collections over the station? A. Yes, except in our benevolences. They do pool, but every dime

that comes in over the radio is put in a radio fund. But I tell them that 50 per cent of what we get in the offerings in the church is the result of the radio, because those people hear the radio message and come in. But we do give the station every dollar that comes in from a radio listener, and we put that in a separate fund called the radio fund.

Q. But the funds then are used for the payment of the interest on the mortgage, or charity work, or whatever may be needed? A. Let me say this to you. When we get through taking care of the poor and WIBO—you see, we pay WIBO several hundred dollars a month.

323 Q. How much do you pay WIBO? A. We just pay them their cost of operating. We give them time for time, and whatever it costs them to operate. It varies. It runs from $350 to $400 a month. When we pay them, then we pay for these missionaries, and the rest of the radio money goes toward the relief work.

Q. The radio money could be used on the church, too? A. Oh, yes.

Q. The church is not a regular denomination, with a definite governing board? A. It is purely independent.

Q. Is it incorporated? A. Yes; reincorporated in the State of Illinois. It was incorporated as the North Shore Congregational Church, and now it is the North Shore Church. Two years ago the new papers were recorded.

Q. Who decides on the use of the moneys that you get from the appeals over the radio? A. I think, since I got rid of these three millionaires, I decide about everything in the church.

Q. You have an executive board? A. Yes, and I am chairman of that board. I have a monopoly.

Q. How many are on the board? A. Fifteen.

Q. How often do they meet? A. They meet once a
324 month. They all come in on their knees, and have a wonderful time.

Q. I am now getting away from the religious side into the business side, because the Radio Commission and this record have to view it from that standpoint. Do you have any trustees created for the proceeds? A. Nobody is under bond, and this $10,000, I might say, passed unanimously, with the 15 men on the board. It was agreed unanimously that it could not be touched for any church purpose or any benevolent purpose. The motion is that it must go back

to the loan company, the trust company, in case we do not get our permit.

Q. Is there any periodic audit or report necessary? A. Yes. To the congregation. It is a democratic form of government in one way. That is, there are certain things on which the congregation can vote, and we submit to them certain things when they ask for them. Mr. Glenn Ingram is our auditor. He is an accredited public accountant, and he gives us an audit every year.

Q. That is given to your members? A. If they ask for it. It is available. But it is filed with our Treasurer, and is published. Here is the report. After this report
325 was given, the receipts, disbursements, and so forth, in a balance sheet, were signed by this accredited public accountant. Our books are always audited.

By Mrs. Willebrandt:

Q. Is there anyone who has to approve the report, or approve the expenditure of moneys, or the allotment of moneys? A. As Mr. Nelson and others have said, our church is not run like the average church. I think, on account of business ability, and so forth, they have delegated the power to me. I might say personally that I raise 75 or 80 per cent of the money, in a way, and I am chairman of both boards. There are two boards, one within the other. It is all done by mutual agreement with these 15 men, who are members of the board. I am chairman of the board.

Q. How much, currently, do you get in from the radio appeals? A. Let me get it here.

By Mr. Clifford:

Q. Are you reading a report? A. Yes.

Q. For what year? A. 1930.

Q. What are you reading from? A. This is our
326 annual report for January 1, 1931, or December 31, 1930, which is published by the church, in our weekly calendar distributed to the church people, and to all your congregation.

By Chief Examiner Yost:

Q. What is the date of the calendar? A. I just gave that. This is Sunday, January 11th, 1931. After the an-

nual meeting, everything was checked up. We have our annual meeting the first Sunday after the first Monday in the year. That is the way the constitution reads. The receipts for general expenses, including radio, were $22,980; Sunday School, $1,610; poor fund, up to that time $5,535. That was for three months. For tract and book distribution, $2,300.

Q. I am asking you, as nearly as you can recollect, what your contributions amount to month by month by
327 radio? A. Last year we broke even.

Q. Can you think back for the last few months? A. Yes, I will try to do that.

Q. Who cashes the checks, or endorses them? The money comes in by check, I suppose, does it not? A. Yes. The Treasurer. We have two treasurers, one for the general expenses, and one for the benevolences. The treasurer for the benevolences has charge of all the Deacon's Fund, the missionary fund, and the relief fund.

Q. Does not much of that money come to you because you are the one who is identified with the station, and who makes the appeals? A. I might say that 65 per cent of the checks are made to J. C. O'Hair. Suppose you dropped off tomorrow. Who would get the money? Have you set up any business arrangement for the perpetuation of your funds? A. Yes, in this sense. We have made arrangements with both banks that they can endorse my name.

Q. Is there any trustee named? A. Yes, we have a board.

Q. No; I mean, is there any legal trustee for the funds? A. We have one man as our treasurer. In this an-
328 nual meeting they got him to form a trusteeship whereby the funds would be taken care of in case of his death. But I never have the funds for an hour at a time. Our treasurer never leaves the checks. He is there all the time, and I give him all the funds, and I give him a slip every morning, which goes to the different departments, and he sends the sums——

Q. I want to know the ultimate fact as to whether you have legally created any assurance of continuity, such as a trust guardianship for these funds? A. For instance, when our church or station incorporated the last time, we designated three men who have charge of the financial

affairs of the church. They are called the Committee on Business and Finance.

Q. Have they been named trustees by the court? A. I was going to get to that. In case of any real estate transaction or legal matters, they shall be considered the trustees of the North Shore Church.

Q. Do they have to sign the checks and disburse the current funds that come in? A. No. The Treasurer does that. He happens to be on the board of trustees, but he does not sign it as a member of the board of trustees. He signs it as treasurer of the church, and he is elected by the congregation.

Q. Then, assuming, Dr. O'Hair, this to be the fact—which is not impossible, but is not an accusation against you, Dr. O'Hair—assume that you were removed tomorrow, and your trustee was dishonest. He could get
329 away with all the current funds, could he not? A. You mean the treasurer?

Q. Yes. A. Well, I don't leave him enough at a time to get away with, because the $10,000 is in trust. He cannot touch that.

By Chief Examiner Yost:

Q. Is he under bond? A. No, he is not under bond. There have been church treasurers, I guess, that have absconded, but we are very careful.

By Mrs. Willebrandt:

Q. I am looking at your legal status, and wondering whether people who send in money as a result of radio appeals, believe that they are giving it to a trust fund, duly established, where it has both continuity and enforceable legal security, or whether they know they are sending it in to an individual in whom they trust, and realize that it is an individual contribution. *Q.* I want to say that over and over again, in my announcements, I say, "If you want to do any strictly humanitarian work, if you want to send your money to some civic organization, do that" I have made the statement so often, that, believing the Bible as we do, we have asked that only people who are "born again" send us money, and the people who send us money are people who have such confidence in us and in the mes-

sage that we preach—just as we have in the treas-
330 urers that we appoint—that we are not running our church like an ordinary church. It is mighty hard for an outsider to understand that.

Q. Dr. O'Hair, I do not want to interfere with the way in which you run your church, but I am asking you, as a business man, if it would interfere in the slightest with the freedom of running your church as you do, if you had your funds handled by a trust duly created under the law? A. I think it would not affect our income five cents. I believe that the money that has come to our station is given by people who have confidence in the ministry of the pastor. That is my honest conviction. We would be glad to comply with the law.

Q. What would you say would be the relative
331 security or continuity of public service as between two churches run just exactly as yours now is, with the same policies and government, one having a bonded trustee handling funds that are solicited from the public, and the other not having that system, as viewed by somebody who does not know any of the parties involved? A. I tried to explain that the treasurer who received all the money, to whom the money is given, has been made legally to establish a trust fund, to protect him. The very point you are bringing up was brought up at our annual meeting, and, with the other treasurer and the board of trustees, he formed some kind of a guaranty that in case of his death there would be the assurance to the church that they would not lose any money.

Q. Also with respect to the $10,000 that you put aside? A. He has nothing to do with that. The $10,000 is in a trust fund, with the stipulation of the church Clerk and the Treasurer and the Board of Trustees, that it cannot be touched. That is in a trust fund. But this Treasurer is under a trust of some kind, some kind of a trust guaranty. I do not know just what it is. That was brought up the first of the year.

Q. In all the City of Chicago, there is no other station except WMBI, that is giving even half the religious broadcasts that you are, is that not true? A. I do not know. You must remember that we are not broadcasting on Sunday more than one-half of the time that we are licensed to

broadcast. There are some stations in Chicago which, I hink, broadcast three or four or five hours a day of religious programs.

Q. WMAQ has 37 hours a month. A. Of re-
332 ligious programs.

Q. Yes; and your application says that you have 50. So, it does appear to be more than half. That seems to be the nearest. A. WMAQ; but not during the hours I designated, the evening hours.

Q. How many hours are you asking for in your application, to which you refer? A. I have offered to relinquish or release five hours on Sunday, and I have asked for seven additional hours; only six hours in the week evenings, but from 12 to 1 o'clock each day at noon—19 hours in all.

Q. One question with respect to your service area. What area do you claim as your service area? A. I was interested in the Engineer's report. I have a Bible class that has been running for seven years in Milwaukee, and that is where I make my tests. I find in Milwaukee that 50 per cent of our people up there do not hear me, and about 50 per cent do. They have made tests in the last two months, and there is only one man that I know of that hears us clearly now, Sunday nights, under our present arrangement, on account of interference.

Q. What do you claim is your clear service area? A. I was going to say that we cover South Chicago in good shape.

Q. Are most of your members from South Chicago? A. Our members are scattered all over. You mean the people who attend?

Q. Yes. A. I would say that we have as many
333 people in our radio class from South Chicago as we have from the North Side. South Chicago is a very popular place with us. I do not mean South Chicago, Illinois. I mean the South part of Chicago, and that goes clear down into the Calumet District. We have a very large audience at a little place called Holland down there, and then down at 111th Street, and on down to Gary. We have quite a few people down there.

334 Q. Are you linked up with WIBO in any such way that your church work would be interfered with if you were allowed to broadcast over some other already-existing station in Chicago? A. That would only interfere

with the established audience on 560 kilocycles if it were changed. I know several men who have changed to a different frequency, and, of course, they have lost their audience for a certain time. Mr. Barnhouse went off WMAQ to Mooseheart, and he lost four-fifths of his people. I can only state by that one case. I do not know. I would say this if Mr. Nelson were not here. If WMAQ would give me a broadcast two or three evenings a week, or some station like that, I would be glad to make a change.

Q. Who passes on the cases that you give money to, which you get as a result of your radio appeals? A.
335 This lady here that I was telling you about, our nurse, Mrs. Roach.

Q. She gives out the money, or she recommends that the money be spent? A. No. The treasurer gives out all money. She recommends that it be spent in a certain case. She makes a personal investigation of each case, and brings in a written report, and then we disburse the money on her recommendation.

Q. How much time, and what kind of time, do you give to the station, Dr. O'Hair? A. I average about 17 hours a day.

336 Q. Is that in broadcasting? What time is spent in the church work, and how much time is spent in connection with the radio? A. I would say my work would be reduced 60 per cent if we got rid of the radio.

Q. Do you go on the air every day? A. Every day at 12 o'clock, 365 days a year.

Q. Then you speak for how long? A. 30 minutes.

Q. During that 30 minutes do you describe the work of the church, and make an appeal for funds? A. No. That is over WIBO. They do not allow it. That is all Mr. Nelson's time. I pay for that time. I never go to an individual and ask him for a penny. I do not believe in it. I never go to a man individually. I make a general announcement. I say, "As the Lord lays it upon your heart, send it in, and if the Lord does not put it there, we don't want it."

Q. What other time during the day do you broadcast, outside of the 30 minutes in the middle of the day? A. Monday from 7 to 7:30, I speak on prophesy, the coming of the Lord. On Tuesday, we have a musical program. I

am only the announcer. On Friday, from 6 to 6:30, I am on. That is all I am on during the week.

337 Cross-examination on behalf of WIBO.

By Mr. Boyd:

Q. I merely want to ask one question, and that is to clear the record, as to the amount you pay WIBO. Is it your understanding that it is a nominal sum, which meets the cost to WIBO of rendering that service to you, and not for the purpose of profit so far as the station is concerned? A. The agreement was—we can hardly broadcast our station, which has high power, for any less than we pay them. I would say that. It is a very nominal sum, only $15 an hour, because we give them our time, which is worth just as much as their time. It is an exchange of time.

Q. The line charges are paid out of that, are they not? A. No. We pay the line charges.

338 By Mrs. Willebrandt:

Q. Then, under the present arrangement, WIBO has practical control of the station, and you pay for the hours that you agree upon? A. Oh, yes. I broadcast from the church over their transmitter.

Redirect examination.

By Mr. Clifford:

Q. Mrs. Willebrandt has gone into the conduct of the business of the church. Have you been pastor of any other church before this? A. One, yes.

Q. This church is a corporation, you say, organized under the laws of Illinois? A. Yes.

Q. What salary do you get? A. I am getting $450 a month now.

339 Q. Being the pastor of the church, you are subject to carry out the business arrangements as laid out by the church organization, is not that right? A. Yes.

By Mrs. Willebrandt:

Q. How many hours do you run your station, Dr. O'Hair? A. I give them four and a half hours, and we

have a license for 12 hours, which would leave us seven and a half.

Q. Do you run it actually now seven and a half hours? A. Yes.

340 Cross-examination on behalf of the Commission.

By Mr. Newman:

Q. Do you receive any money from the church besides your salary? A. I marry some folks once in awhile.

Q. From what fund is your salary paid, doctor? A. I get my money from what is called the church fund. That is the offerings Sunday morning and Sunday evening; and from the church membership, principally.

Q. You say about 50 per cent of that comes indirectly from the radio? A. I say this, that if I bring in 100 extra people over the radio, and they put in $5 or $2 apiece in the offering, the radio is directly or indirectly responsible for that increase.

Q. The funds which come directly as the result of your radio broadcast do not contribute to your salary? A. If we had a deficit in one and a surplus in the other, sure.

341-344 It is only one corporation. If I say to the people "Send in your money and every penny you give will go to a missionary," they get it, and if I say it goes to the poor, it goes to the poor. If I say it goes to maintain the radio station, it goes there. In that way it is pretty hard to divide the funds.

345 **Frank B. Falknor**, heretofore called as a witness on behalf of the applicant, was recalled and testified further as follows:

Direct examination (continued).

By Mrs. Willebrandt:

Q. Mr. Falknor, you said you were familiar with the mechanical equipment of Station WJKS. Will you please state what type of modulation the station has? A. They have what is ordinarily called low level modulation, and it is arranged so that they can secure a high percentage of modulation.

Q. Have you made any observation of the reception from WJKS, other than that in your home, which you
346 described when you were on the stand before? A. Yes. I made observations on April 20th and 21st, between the hours of 7:30 and 9 p. m.

Q. Just state where you made these observations, and how you conducted the observations, with what equipment, and what your results were. A. The observations were made on the circumference of a circle having a radius of approximately 30 miles, with the location of WJKS' transmitter as the center of the circle. The observations were made with a field intensity measuring set, and they really consisted of two distinct observations. One was listening to determine the amount of audible interference present, and another was a measure of the signal strength of WJKS. One location was on Indiana Highway designated as No. 53, about 30 miles south of WJKS. The signals from WJKS at this point were about 1.8 millivolts per meter. There was audible interference, but the interference was at too low a level to measure. However, the interference was definitely disturbing, and I would say detrimental to good reception.

On April 21, 1931, also between 7:30 and 9 p. m., another observation was made 30 miles southeast of WJKS, on Indiana Highway No. 43. The signal at that point was 3 millivolts per meter, and the interference was also capable of being measured at that point, and appeared to be coming at right angles from the line from which the signal from WJKS was coming, or approximately at right angles, and the interference at this point measured about .2 millivolts per meter. This interference was in the nature of a beat note, and, of course, was quite loud, It was very annoying, and had a frequency of about 100 cycles per second,
347 and did the greatest damage to speech or announcements. It seemed to affect them to a greater extent than it did music. Another observation was made at the Western entrance to the town of Laporte, Indiana, which is also about 30 miles east of WJKS. The signal was almost indistinguishable at this point, due to interference which was received with the signal.

Q. The signal of WJKS was almost indistinguishable? A. Yes. The interference caused it to be so. Measurement was made at this point, and the combined level of WJKS and the interference was about 1½ millivolts per meter.

At this point there was about a 100-cycle per second beat note, from an unidentified station, and a low flutter in the reception of WJKS, of about 10 cycles per second, which I believe was caused by some station almost in zero beat with WJKS, that is, operating on practically the same frequency, and almost exactly the same frequency, with apparently a difference of approximately 10 cycles per second, which caused the signal received to have all the characteristics that might be described as a flutter.

Q. That was at a point to the eastward of the 30-mile radius from the transmitter of WJKS? A. That was almost directly east.

By Chief Examiner Yost:

Q. Just what do you mean, in lay language, by a 10-cycle beat note, or a 100-cycle beat note? A. It was a 100-cycle per second beat note. It might be described by saying that it was a constant tone which would correspond to about 100 cycles per second. Of course, from an engineering standpoint, you become accustomed to describing every
348 note you hear as being approximately so many cycles per second, and this corresponded to a musical note that would be struck on the piano by some key. It was fairly constant in amplitude, and constant in pitch.

Q. What does the number of cycles have to do with the objectionable feature of it? A. If the beat note were, say, 20,000 cycles per second, that would fall outside the range of the capability of the ordinary receiver to transmit sound to the ear, and, of course, it would not be objectionable because the ear would not know that such a beat note existed, but if the beat note falls within the range of the ear, and bears no relation to the sounds that you should hear and wish to hear, then it is irritating.

Q. How many cycles per second do you regard as objectionable? A. With good receivers, beat notes from about 10,000 cycles per second, on down to practically zero, are objectionable. On most receivers, from about 75, or perhaps 50 cycles per second on down, the sound may not be transmitted to the ear, due to a deficiency in the receiver. However, when two stations are operating on the same channel, and are practically on the same frequency—meaning, say, within 10 or 15 cycles per second—you get an addi-

tion and cancellation alternately of the signal strength of the station you are trying to hear. That is, the interfering station at one period of time will boost the apparent signal; at another period of time, it will decrease it, which causes a tremulous effect on the signal you are trying to receive. Is that clear?

349 Q. It is not quite clear to the Examiner, not being an engineer, as to the relation between the rapidity or otherwise, and the strength or the force of it, if you get what I mean. What does the rapidity of it have to do with the force, or with the ability of the interference to be objectionable? A. That might be elaborated at great length, but interfering frequencies above certain limits, of course, never get to the ear, owing to receiving sets' deficiencies. Between certain limits, those interfering sounds do get to the ear, and just what frequency in cycles per second is the most irritating, I think depends a great deal on the listener, and also on what type of program he is hearing at the time. Low frequencies, from, say, about 3,000 cycles to 75 cycles, will very greatly disturb the reception of speech, while frequencies, say, from 4,000 or 5,000 cycles to 75 cycles, may greatly disturb both speech and certain types of music.

Q. The thing that is not quite clear to the Examiner is, why a frequency of 100 cycles may not have such force as to be objectionable. I do not understand the way you measure what the number has to do with the power. A. The number has no connection with the power. It is merely a method of identifying the character of this interference.

By Mrs. Willebrandt:

Q. You made other observations, did you, on these dates in question? Do you have others that you had started to testify about? A. No. That is all those observations.

350 Q. You listened at other times and in other places in the eastern and southern circle, particularly, of the good service area of WJKS, did you not? A. No. This is the only time I have listened in that area.

Q. How often have you listened on the eastern side of WJKS, in the radius of good service, as defined before in this case? A. That is the only observation I have ever made on the eastern side.

Q. What are the observations that you testified to on Saturday? A. That was made in Chicago, which is northwest, I believe.

Q. But within a 30-mile radius of WJKS? A. I believe that is approximately 30 miles.

Q. What would you state was your opinion of the reception of WJKS, within this area, such opinion being based upon the observations you have described you made? A. There is sufficient signal strength there to give what we would term good reception, were interference not present; but it is my opinion, as far as the signal represents entertainment to me, that at times, especially, there is interference on that station which is objectionable, and deteriorates the value of the program, at least to me as a listener.

351 Q. In your opinion, what is that interference caused by? A. In my opinion it was caused by some other station operating on the same channel, or rather, assigned to the same channel.

Q. Do you know what the channel is, on which the station at Syracuse, WFBL, operates? A. I understand, according to the records we have available, that it is 1,360.

Q. Do you know what the mileage separation is between WJKS and WFBL? A. No, I am not familiar with the exact mileage.

Chief Examiner Yost: It is in the record.

By Mrs. Willebrandt:

Q. If you found that the mileage separation was 600 miles or thereabouts, and the power of WFBL were 1,000 watts, what would you say would be the result in the good service area of WJKS? A. That can only be determined by experiment. That is, such a hypothetical condition might be set up and give entirely satisfactory service, while in actual practice it might or might not. In this particular case, due to the direction from which the interference was entering the area in which I made measurements, I believe that the signal was coming from the east, and in all probability was coming from the station in Syracuse, which is a thing that is not at all surprising.

352 By Mrs. Willebrandt:

Q. What would you state, Mr. Falknor, should be the mileage separation between such stations as WJKS and

WFBL, in order to prevent interference? A. I can only state this in that connection, that when two stations are put on the same channel, such as the Syracuse station and WJKS, it should be determined experimentally whether or not the two will interfere. There are no two cases in which the same results can be accurately predicted.

Q. Would you say that 600 miles is probably too close, as far as the law of averages is concerned, or not? A. No. In making an estimate for the placing of two stations, offhand, without any information available, I would not think it was, but it is quite likely to be.

Q. Do you happen to know whether it is closer, or the exact distance, or farther than the distance recommended by the Radio Commission? A. As I remember it, it is closer than the recommended separation.

Q. What, in your opinion, would be the result, in so far as the interference which you have described is concerned, with which you state you are familiar, in the service area of WJKS, if it were operating on a frequency of 560? A. If it were operating on a frequency of 560, I would not expect to get interference. For the reason that over a
353 period of about a year I have listened at quite frequent intervals to WIBO, operating on that channel, and in all my observations it is quite free from interference and is capable of giving excellent service.

Q. You live within the good service area, as it has been described in the records in this case, of WJKS, do you not? A. Yes, I believe I do.

Q. I will ask you to look at this map, Mr. Falknor, marked for identification as Applicant's Exhibit No. 2, and state what it is? A. This is a Rand-McNally map of the State of Indiana, showing the excellent service areas of Indiana stations where the radius of excellent service is as defined by the Federal Radio Commission in the WGY case.

Q. Is that definition that you have given as defined in the WGY case, practically what Mr. Ring gave on the stand here Saturday? A. For some powers it is exactly the same, and for some there is a slight variation.

Q. Is there any deviation in the powers that are marked on this map? A. There may be, in the large circle here of WOWO. I do not believe there is in any of the others.

Q. Would the variation in the circle of WOWO be slight, or great? A. I believe a rather small percentage.

Mrs. Willebrandt: I will offer this as Applicant's Exhibit No. 2.

354 (The map referred to, Rand-McNally map of the State of Indiana showing excellent service areas of Indiana stations, was marked "Applicant's Exhibit No. 2," and two copies thereof are on file with the Commission.)

Mrs. Willebrandt: Let the record show that in the testimony of Mr. Ring and of Mr. Johnson, the map that was used was not Applicant's Exhibit No. 1, but Applicant's Exhibit No. 2.

By Mrs. Willebrandt:

Q. Examining this map, please state what stations give excellent service in the Gary or Calumet region on Lake Michigan in Indiana? A. WJKS——

Mr. Cook: Is he qualified to state that? Has he made tests down there on all these stations, or is he just assuming it?

Mrs. Willebrandt: There is only one.

Mr. Cook: He is now testifying about other stations giving excellent service in Gary.

Mrs. Willebrandt: Yes.

Mr. Cook: Has he made tests of the other stations in Gary, or is he just assuming it from his general knowledge?

Mrs. Willebrandt: This testimony is from the map, Mr. Cook, based upon the defined service area, as defined by the Commission. It is not based upon tests that he has made.

Mr. Cook: Why should he repeat what the Commission has stated in its general conclusions as to where the excellent service extends from the Chicago stations? Is he not just repeating what somebody else has prepared, as a general conclusion?

355 Mrs. Willebrandt: Yes. He is totaling the service that Gary gets.

Mr. Cook: Is not that in the record?

Mrs. Willebrandt: Not in this form.

Mr. Cook: Is not this form rather objectionable, in the sense that he is just repeating what others have concluded?

Chief Examiner Yost: The Examiner thinks it is admissible, and he may answer.

The Witness: According to the method by which the maps were made, the only station in Indiana giving excellent service to the large portion of the Calumet District, is WJKS. Perhaps WWAE, a 100 watt station at Hammo d, would give excellent service to a very small portion. Hammond is right on the line between Illinois and Indiana.

Q. Would any excellent service reach Gary from the Ft. Wayne station? A. Not according to the basis on which these maps are made.

Q. Will any excellent service reach Gary from Indianapolis? A. No.

Q. I show you another map here. Will you describe what that is, who made the map, under whose direction the map was made, and what it purports to show?

356 A. This is also a Rand-McNally map of the State of Indiana, which was prepared under my direction, showing the good service areas of Indiana radio stations, where the radius of good service area was taken as defined by the Federal Radio Commission in the WGY case.

Q. You say you had this map prepared under your direction? A. Yes.

Q. The facts that are purported to be shown here are true, to the best of your knowledge? A. They are, to the best of my knowledge.

Mrs. Willebrandt: I offer the map in evidence.

Chief Examiner Yost: It may be admitted.

(The map referred to, Rand-McNally map of the State of Indiana, showing good service areas of Indiana radio stations, was marked, "Applicant's Exhibit No. 3," and two copies thereof are on file with the Commission.)

By Mrs. Willebrandt:

Q. What Indiana stations render good or fair service to Gary or the Calumet District? A. The Indiana stations rendering good service on this basis of estimation, in the Calumet District, would be WOWO, Ft. Wayne; WWAE, at Hammond, and WJKS, at Gary, and some service from a station at Laporte, Indiana, with whose call letters I am not familiar. I believe it is a 100-watt station.

Q. Does either the small Laporte station, or the Hammond station, cover, even with good service, or fair
357 service, the whole of the Calumet region? A. It does not cover with good service the whole of the Calumet region.

Q. So far as Indiana stations are concerned, then, the Calumet region is served with good service only from Ft. Wayne and from WJKS, as a whole? A. As a whole, yes.

Q. You have made considerable examination, in your years of experience as a radio engineer, of the reception from stations of various types and kinds—that is, full time, part time, high power and low power stations, have you not? A. I have.

Q. From the standpoint of reception, will you state what, in your opinion, is the comparative value as between a full time and a part time station? A. I believe that the full time station is of considerably more value from the listener's standpoint by virtue of the fact that you can tune in on that station at practically all reasonable hours of the day, while a part-time station is rather difficult to follow in its schedule, and tell just when you may expect the station on the air, and consequently you may not even bother to tune in on that station, especially if there is other service available which is full time.

358 Q. Mr. Falknor, has Indiana very many full time stations? A. Not according to all the records that are available to me.

Q. You are referring now to the Radio Commission's records? A. Yes.

Chief Examiner Yost: Let him state how many full time stations, it has, if he knows.

The Witness: There are four.

By Mrs. Willebrandt:

Q. According to the excellent service area, as you have previously described it, and on the same basis that you have made these other maps, have you recorded the areas receiving full time reception from an Indiana station in Indiana? A. Yes, I have.

Q. I show you this map and ask you to describe what it is. A. This is a photostatic copy of a map made from a Rand-McNally map. This is just an outline of the State

of Indiana, in which the cities are accurately located, in which full time stations are placed. They are a 100-watt station at Terre Haute, Indiana; a 100-watt station at Connellsville, Indiana; a 100-watt station at Anderson, Indiana; and a 100-watt station at Ft. Wayne, Indiana. These circles again show the excellent service area of the full-time stations; that is, the radius of excellent service, as defined in the WGY case.

359 By Chief Examiner Yost:

Q. The witness testifies that that is a true and correct copy of what it purports to be? A. Yes.

Mrs. Willebrandt: I will offer that in evidence.
Chief Examiner Yost: It may be admitted.

(The paper referred to, an outline map of the State of Indiana, showing full time stations, was marked, "Applicant's Exhibit No. 4," and two copies thereof are on file with the Commission.)

By Mrs. Willebrandt:

Q. From your studies, and from these maps, Mr. Falknor, you may state for the record whether, from an Indiana station, Indianans living in the Calumet District receive any reliable, continuous service from any Indiana station? A. They do not receive any continuous service, on the basis of full time radio stations in Indiana.

Q. In other words, they have to keep a time schedule to have a chance to listen to an Indiana station? A. That is correct.

Cross-examination on behalf of WIBO.

By Mr. Boyd:

Q. You stated, Mr. Falknor, that you felt that WIBO was on a frequency where there was less objection from the standpoint of cross-talk? A. I said interference. I believe they are on a better frequency, in that District, from the standpoint of interference, than WJKS.

360 Q. What observations did you make to determine that fact? A. Just over a period of a year, in my home, listening to WIBO's programs from time to time.

Q. Have you ever heard objectionable heterodynes on that frequency? A. No, I never have heard them on that frequency.

Q. You never heard the heterodyne, then, produced by KLZ, of Denver? A. No, I have not.

Q. Knoxville, WNOX, is 440 miles from Chicago. Would you expect as objectionable interference from that station on 560, if WJKS were operating on that frequency, at a distance of 440 miles, as from Syracuse, on 1360 kilocycles? A. No, I would not, based upon the fact that I do not hear the interference now.

Q. Based upon any other facts? A. That is the only fact, because experiment really proves the case.

Q. You think the matter of miles with reference to the interference is not a factor? A. The matter of miles is a factor, but with such a small move it would be difficult to predetermine accurately whether the interference would be increased or decreased, because there would be a change of location, and a change of general operating conditions.

Q. The objection, then, to WFBL is that it does produce, in your judgment, interference, and you do not base that objection on the fact of the mileage separation?

361 A. The matter of miles is important, but it is not the sole determining factor as to whether interference will exist, or will not exist.

Q. Did you make any scientific investigations on 560 kilocycles during this period to determine interference? A. No. It was purely as a listener in my home.

Q. What kind of a receiver did you use? A. I believe it is called the pre-selector type. I believe the stations are differentiated before they go to any vacuum tube. That is, the tuning arrangement precedes any amplification.

Q. Do you find that that receiver receives the frequency of 1360 with the same reliability that it receives 560? Have you made any investigation to determine that? A. I have made no investigation on this receiver.

Q. It might be possible, then, that on 560 kilocycles the receiver you were using would not receive the signal strength on 560 to the same extent that it does on 1360, and thereby not produce the interference? A. It might not receive the signal strength. However, the interference is a matter of relativity, and the reception from a distant station and from WIBO should bear the same relation, regard-

less of the relative sensitivity from one end of the dial to the other.

Q. That is true of the type of receiver you were
362 using? A. That should be true of any receiver.

Q. Did you take field strength measurements on the various Chicago stations to which you referred on your map, on two circles in the Gary region, and if so, when and in what manner? A. I did not take field strength measurements in the Gary region of any station with the exception of WJKS.

Q. Have you taken field strength measurements of WIBO in or around Gary? A. Not in or around Gary.

Q. Have you taken field strength measurements of WIBO at any other point? A. I have taken it in Chicago, at my place of business.

Q. I want to know what comparison you made to determine the accuracy of calibration. A. The field strength measuring set used is so constructed that the accuracy depends on the measurement of a one-ohm resistor, and on the calibration of a meter, which meter was purchased from the Jewel Electrical Instrument Company, with a guarantee of accuracy, and the resistor was measured on a Leeds-Northrup Bridge, which I believe to be accurate.

Q. I will ask you to describe in detail the field strength instruments that you used in making the measurements on April 20th and 21st. A. This field strength set consisted of two major parts, one, a Western Electric
363 4-B superheterodyne receiver with a loop antenna; and a volume indicator attached to the audio amplifier of the receiver. The loop receiver had an extra oscillator in it, with which you could produce a beat note with any incoming signal which you wished to receive, or did receive. A one-ohm resistor was placed in series with the loop antenna, and when a signal was to be measured, the loop was turned to receive the maximum signal, which maximum was indicated by the volume indicator in the output of the receiver. This reading on the volume indicator was noted, whatever value it happened to be, and then a local oscillator, in a shielded container, was tuned to zero beat with the station under measurement. The loop antenna was then turned at right angles, or the zero signal position for the station from which the measurement was made, and a signal substituted in the receiver by introducing it through

this one-ohm resistor to give the same deflection of the volume indicator on the output of the Western Electric receiver, as was given by the station under measurement. The current was then measured, which it was necessary to pass through the one-ohm resistor to give the same deflection, and this current times the one-ohm gave the voltage necessary to be introduced into the receiver from the local oscillator, which was equivalent to the voltage introduced into the receiver from the station under measurement.

Q. Did you have a micro-ammeter in the plate circuit of the receiver detector? A. I did not.

Q. Or any other method of determining the input
364 volume? A. As I stated, I had a volume indicator—that is, a meter and a vacuum tube—so connected that they would give an indication of the signal that was entering this receiver from the station under measurement.

Q. You depended solely on that for accuracy? A. The accuracy of that instrument did not enter into the calibration, except the instantaneous accuracy. If that meter read 4, which might be any arbitrary figure, it made no difference whether the next day it read 4 or 5, for the same intensity, because it was only an instantaneous indicator as to the signal level, and what this deflection meant was determined by the oscillator which I carried locally, the energy from which I introduced into the receiving set through a meter and the resistor, so that for each reading the device on the receiver was calibrated.

Q. What are the field strengths, in microvolts per meter, of the stations which interfere at present with WJKS, in a nine-mile radius? A. I made no measurements on those stations.

Q. And at the 30-mile radius? A. It was impossible to measure the interfering stations when WJKS was on, so I made no measurements.

Q. Did you measure it when WJKS was off the air? At the time WGES was on the air, did you make any field strength measurements in Gary? A. No.

Q. What is the field strength pattern of WJKS on 1360? A. I never made a field strength pattern of WJKS.

Q. What is the field strength of WGES on 1360, in
365 Gary? A. I have never made that.

Q. For how long a period did these interfering

stations maintain the level of field strength you have indicated? I want to know whether you know what it was during a period of four hours, on two days. You said that you made these measurements from 7 to 9 p. m., on two days? A. Yes.

Q. Have you made measurements at any other time, and can you indicate what the field strength is at other times, or at any other time? A. No; I have not made any other measurements except those indicated.

Q. Do you know the ratio between desired and undesired signal strength on adjacent frequencies which is accepted as being necessary to avoid objectionable interference? If so, state it. A. No; I do not know of any such value that is accepted by everybody.

Q. Is there such accepted by you? A. No. I make my determination on the basis of what I can actually hear on the receiver, which is, after all, the criterion.

Q. Have you measured the field strength of any Chicago stations in Gary? A. I have not.

366 Q. Have you measured the field strength, in microvolts per meter in Gary, of stations on 550 and 570 kilocycles or on any other frequencies in the band besides WJKS on 1360? A. None except WJKS on 1360.

Q. What is the normal operating plate voltage, in current, of the power amplifier of WJKS? A. At the time I made the inspection, it was 4,000 volts; .75 amperes.

Q. What is the input to the power amplifier? A. 3,000 watts.

Q. Taking thirty-three and a third percent efficiency, as allowed by the Commission, this would make the output what? A. 1,000 watts.

Q. What is the antenna resistance on 1360 kilocycles? A. I have never measured it, so I cannot state.

Q. What is the antenna current? A. I don't remember what the antenna current was.

Q. I hand you WIBO Exhibit No. 1 for identification, which is the application for renewal of broadcasting license of Radio Station WJKS, filed in September, 1930, and ask you what the application shows with reference to the antenna resistance of WJKS, according to the information contained in the application? A. It says 17 ohms in this application.

Q. And the antenna current is what? At night time? A. 6 amperes.

367 Q. Then the I^2R is 36 times 17? A. That is correct.

Q. Equals what? A. According to this, it is about 610 watts, roughly.

Q. Did you check the performance of the power amplifier of the transmitter of WJKS? A. Just from observation of the meters.

Q. Did you check the meters to see that they were accurrate? A. No.

Q. Did you make any other scientific check to determine whether or not the meters were functioning as they indicated? A. No. The station was on the air at the time the inspection was made, so that it was not possible to make any check as to the accuracy of the meters.

Q. But the station was off the air during the day, on April 20 and April 21, at certain periods? A. Yes.

Q. You were not about the transmitter when it was off the air? A. No. I was there while it was operating.

Q. How do you account for the excessive loss in the power amplifier? A. Well, I do not account for the excessive loss. I could not without making some examination to see whether the antenna resistance, as stated here, is correct or not.

Q. What is the effective height of the antenna at WJKS, if you know? A. I do not know. That would also have to be determined by measurements, which I have not

368 made.

Q. That can be best obtained how? A. It can be best obtained by means of field strength measurements.

Q. What is its radiation resistance? A. The license states it to be 17 ohms. Other than that, I have no information on the radiation resistance.

Q. You mean the application? A. Yes, the application.

Q. Do you know what the power actually radiated is? A. Not what the power actually radiated is.

Q. How much energy is usefully radiated as a ground wave? A. I have not determined that.

Q. How do you account for the excessive loss from a thousand to 612 watts? A. I stated before that I cannot account for it.

Q. Do you recommend this design of antenna as the best type of antenna which engineering practice would recommend? A. It is not the best type of antenna that could be erected. However, it is the best type that could be erected with the towers that are available.

Q. What are the actual dimensions of the antenna? A. I am not familiar with all the actual dimensions of the antenna.

Q. Are you familiar with any of the dimensions of the antenna?

369 The Witness: I do not remember any of the dimensions of the antenna. I never went into the actual dimensions of it.

Q. You simply recall that it is inefficient? A. I simply recall the general design, shape, and type of towers, and spacing.

Q. How far is the antenna proper from the

370 towers? A. I believe it is about 15 feet.

Q. Are the towers insulated? A. I believe they are not.

Q. Do you think they should be? A. That can only be determined in each specific case by a trial.

Q. What proportion is horizontal? A. I cannot state that accurately.

Q. How much energy from the horizontal is radiated usefully as a ground wave? A. It is usually considered that none of the radiation from the horizontal portion is useful as a ground wave.

Q. What are the losses to be expected in the antenna? A. That is another rather difficult thing to answer, inasmuch as you cannot tell what the losses to be expected are until you actually measure them and determine what they are.

Q. What is the natural wave of the antenna? A. I do not know what the natural wave of the antenna is.

Q. How much energy is lost in harmonics at the station? A. I have not determined that, either.

Q. How much current is absorbed by the towers? A. I have not determined that.

Q. What is the effect of having towers so close to the antenna proper as in the case of WJKS? A. In some cases the effect is to absorb energy, and in other cases the absorption is practically nothing.

371 Q. Would you not expect abnormal dielectric or eddy current losses in the antenna and the towers? A. The towers are not a dielectric. They are a conductor. So, I would not expect any dielectric loss.

Q. Would not a reduction of resistance loss be obtained if your towers were separated farther from your antenna proper? A. In general that is to be expected. However, each specific case brings a surprise, usually, on that score. It can only be determined by measurements.

Q. What is the ground resistance at the present site? A. I have no idea of the ground resistance, never having measured it.

Q. What is the character of the ground in other sites in the vicinity of Gary? A. Most of that territory that I have seen is sandy.

Q. Did you make a survey of various sites in and around Gary, from a scientific engineering standpoint? A. No. I have not made any particular survey. No one has requested it.

Q. In your opinion is the transmitter installation, including the antenna system, at WJKS, susceptible of improvement in so far as concerns the useful radiation on 1360 kilocycles? A. That is a matter of individual engineering opinion. It might be capable of improvement. However, after the improvement was made, one might not find that he had gotten the results he had estimated
372 he would get.

Q. Could not the losses be reduced considerably by increasing the power amplifier efficiency from 20 per cent to something nearer 33⅓ per cent? A. I have no information on what the actual efficiency of the power amplifier is.

Q. In increasing the antenna efficiency, either by increasing the effective height, changing the proportion of horizontal to vertical, or separating the towers farther from each other, could not the losses be reduced considerably by increasing the antenna efficiency, either by increasing the effective height, changing the proportion of horizontal to vertical, or separating the towers farther from each other? A. There are several types of losses in antennæ. Some of those losses might be reduced. Some might be increased. I do not know what losses you refer to.

Q. You spoke of a heterodyne on 1360 kilocycles. Could not the interference caused to WJKS by heterodyne, be

reduced considerably if all stations now interferring on 1360 kilocycles used precisely frequency control, enabling the maintenance of frequency to within plus or minus 50 cycles? A. No.

Q. Could not some of the interference from Syracuse be reduced if the latter used an antenna system which reduced sky wave radiation? A. It is generally considered that the horizontal radiation is that which produces inter-
373 ference at great distances, and whether or not they could change their antenna to produce less interference, due to changing the ratio of ground and sky wave, is a matter that can only be determined by experiment, and rather long-drawn-out experiments.

Q. Would not the objectionable character of the interference you report be reduced by an increase in the ratio of field strength from WJKS over that of the interference? A. Yes; if the ratio could be increased sufficiently.

374 Mrs. Willebrandt: May I interrupt long enough to ask Mr. Boyd if in his last question he assumed also a change of the Syracuse station?

Mr. Boyd: I first assumed that the Syracuse station might change its antenna system.

By Mr. Boyd:

Q. Were you employed for the purpose of examining this plant and its situation in Gary with reference to coming here and testifying as an engineer? A. Yes; not an inspection of the plant, but in connection with observations of interference that I designated as having been made on the circumference of the circle——

Q. Is it not true that in order to give the engineering facts upon which this Commission may rule, there is certain other information and there are certain other examinations that could be made as to the matter of the antenna system and all the other parts that would enable you to give this Commission information of an accurate character upon which this Commission may rule?

Mrs. Willebrandt: I object to that. The question is improper and is based upon a fact that is not in the record. This witness is not advising the Radio Commission. He is just stating what he saw and what he did.

Chief Examiner Yost: The Examiner is of the opinion that that is not a proper question.

By Mr. Boyd:

Q. Then may I ask you if you believe that the tak-
375 ing of field strength measurements at a point on a radio 30 miles distant from WJKS and indicating that you believe that certain interference is objectionable, is a sufficiently complete statement of fact as to causes, if you have not in addition examined the equipment and the efficiency of the equipment of the transmitting station in order to enable you to determine the necessary facts to present to this Commission.

Mrs. Willebrandt: I object to that question, because the answer of Mr. Falknor in the record toward which this question is addressed is just that he did make certain observations and what he found. He based no conclusion upon that except a conclusion of exactly what he measured and found in the home——

Chief Examiner Yost: The objection is sustained.

By Mr. Boyd:

Q. Have you been consulted as an engineer and your advice sought with reference to changes in this station in order to make its operation more efficient? A. I have not.

Q. Have you any information or have you been advised that Station WJKS intends to make a change in the transmitter by the installation of another transmitter? A. Yes; I have been advised of that.

Q. Have you been consulted with respect to that? A. No. The decision was made and I was informed afterwards.

376-378 Q. Are you informed as to the reason for the change? A. I was not.

Q. Did you ever indicate to them that you believed that they should get new apparatus? A. No; I did not recommend that they buy a new transmitter.

379-381 By Mr. Boyd:

Q. Are you prepared to say as an engineer that the difficulties about which the applicant complains may not be overcome by the use of better engineering principles in the construction of the transmitter and in its operation at WJKS? A. I believe it might be slightly reduced; but the

observations I have made lead me to believe that the interference is of such magnitude that it would take an enormous increase in actual rated power to completely eliminate it.

Q. I will ask you to state how you can answer that question if you do not know in detail exactly how the transmitter and the antenna system used in connection with it is functioning? A. I based my inquiry on the assumption that it could be improved. I am not at all certain it can. That is, I have not made sufficient examination to know to what extent an improvement of the transmitter would increase the signal strength; but if improvement of the transmitter would increase signal strength, then there would be some improvement in the conditions. But to what extent that improvement would carry out the solution of their problem, is a thing that I cannot answer.

Q. Do you know whether or not it is expected that if the transmitter is put in at WJKS, the present antenna system will be used? A. I have not been consulted on that, so I do not know.

382 Redirect examination on behalf of the applicant.

By Mrs. Willebrandt:

Q. When you made the limited examination that you have testified to, at the times and places and under the circumstances you have described in your direct examination, did you find that interference did or did not exist? A. I found that interference existed.

Q. In measurable quantity? I do not mean using "measurable" as a scientific term, but in any substantial quantity. A. In substantial quantity in that it was objectionable to the ear.

Q. Was the weather good or bad for interference from stations at a distance on the days you made the specific tests? A. The day that I made these tests was rather warm. It is usually considered as a day on which long distance transmission is not at its maximum. Long
383 distance transmission is usually at its maximum in cold winter weather.

Q. Then would you expect to find more interference in the winter than you found on these warm days in this spell

of warm weather? A. Yes; I would expect to find more interference in cold weather.

Q. In other words, what you measured on those occasions, by reason of the condition of the weather on those two days, was probably less than it would have been a month or a couple of months back during the winter months? A. Yes; it was probably less.

Q. I will ask you generally, Mr. Falknor, might there be mistakes in measuring antenna resistance? A. There might be mistakes made in making any measurement.

Q. In applications of radio stations put on file? A. I think there might be mistakes there.

Q. For the sake of this question let us assume that WJKS was not getting full efficiency: would addition in power affect the interference? A. An increase in power would increase interference. An increase in the power of WJKS would increase the apparent interference.

Q. Did the field measurements which you made indicate that the station was getting out a thousand watts? A. The field strength measurements are not as yet an actual indication of the absolue radiation of power from a radio
384 station. However, the field intensities that I measured at the point I measured them were such that it would lead me to believe that the powers do not greatly vary from a thousand watts.

Q. Or that they were practically 33⅓ per cent efficient? A. Somewhere near that.

By Chief Examiner Yost:

Q. Given the mileage and the field intensity can you approximate the power output of the station? A. You can approximate it fairly accurately, depending upon the type of country in which the measurement is made. If it is hilly country it is practically impossible. If it is flat country with a rather uniform terrain, the estimation will be fairly close.

By Mrs. Willebrandt:

Q. These measurements of field intensity that you made were under conditions such as led you to believe that they were as accurate as reasonably could be expected from field measurements such as that? A. Yes; I believe so.

Q. Mr. Falknor, I have listened to a good many questions asked you about WJKS with respect to its antenna, its power and the efficiency with which it is putting its power out. Would these same questions apply equally to WIBO? A. Yes; they would apply equally to WIBO or any other radio station, for that matter.

385-387 Q. Can you tell me whether WIBO has standard, modern, up-to-date equipment or has it a composite set? A. To my knowledge, which dates back to approximately a year and a half ago—I have not been into WIBO for a year and a half—at that date it was the average composite equipment.

Q. If the set is the same as it was when you observed it a year and a half ago, that is, if it is still composite, these questions would apply equally to WIBO? A. They would apply equally.

Q. At the time you examined WIBO were their towers of the same general type as those of WJKS? A. Yes.

Q. Insulated? A. They were not.

388 By Mrs. Willebrandt:

Q. From your cursory examination of WJKS' transmitter and your cursory field measurements that you have described—I mean, cursory as to the period of time they covered—have you reason to believe that WJKS is efficient? A. Yes. I stated before that with that type of territory and the values of field intensities measured, I believe that they are very likely radiating substantially a thousand watts.

Q. Assuming that the power output was doubled at WJKS, would it greatly improve the condition of interference? A. No; doubling of the power of WJKS would not completely eliminate the difficulty. It might reduce it. It would reduce it to some extent, but it would not completely cure the trouble.

Chief Examiner Yost: It would have the effect, would it not, of pushing it farther away from the transmitter?

The Witness: Yes; it would have that effect, although doubling the power would only raise the actual signal by the ratio of the square root of 2, which would be 1.4. That

would not actually drop the interference down to
389 half of what it is now.

Chief Examiner Yost: Would the volume of interference be actually reduced?

The Witness: It would actually be reduced.

By Mrs. Willebrandt:

Q. There was a question on cross examination asked you as to whether you had listened to WJKS like any other listener, and I think you answered yes. May I ask you whether, in the use of your radio set in your home, where you say during the past year you have listened both to WJKS and WIBO frequently, you listened to just programs, or with a scientific interest in interference and signal strength and clarity of the program, or distortion, if you found any? A. I have listened, of course, from the standpoint of the receiving of entertainment, and by virtue of the fact that I do considerable work for various Chicago stations, I make it a point to listen in regularly on all stations in that district, because I know of my own personal knowledge what difficulties they are encountering as to interference and quality of transmission and signal strength, so that in discussion with those people I can intelligently answer their questions or perhaps point out factors which they have not noticed in their own transmission; and that applies to WJKS and WIBO.

Q. In other words, even in off-hours when you are not working at it, you are still a radio engineer? A. More or less.

390 Cross-examination on behalf of the Commission.

By Mr. Newman:

Q. Mr. Falknor, you said that doubling the power of WJKS would not cure the present trouble. Did you assume the use of the same transmitter when you answered that question? A. No; I am assuming that they may double their power by any means whatsoever, either by using their present equipment or new equipment.

Q. Do you think that a new crystal ground to 560 kilocycles would completely cure the trouble? A. No; I do not.

Ralph L. Atlass was called as a witness for and on behalf of applicant WJKS and, having been duly sworn, testified as follows:

Direct examination.

By Mrs. Willebrandt:

Q. I believe you are part owner of Station WJKS? A. I am.

Q. When did you come into part ownership of that station? A. About the first of this month.

Q. How long have you known Mr. Johnson? A. Several years.

391 & 392 Q. Did you generally know this station during that period, as well as Mr. Johnson personally? A. Yes.

Mrs. Willebrandt: Mr. Examiner, I would like to offer in evidence at this time the last applications, certified in duplicate, for renewal licenses of all Chicago stations.

Mr. Newman: What do you consider the materiality, Mrs. Willebrandt?

Mrs. Willebrandt: For the sake of comparisons, again, in blazing the path of the necessity for proof here. It becomes a weighing of the need to the public of the kind of broadcasting in this under-quota section of Gary with its peculiarly local claims in the Calumet district, as against the broadcasting and the time used for entertainment, religious, agricultural and educational broadcasting in the Chicago area.

Chief Examiner Yost: Are you going to prove that the applications have been granted and that the stations are actually in operation now?

Mrs. Willebrandt: Yes.

Chief Examiner Yost: They may be admitted.

393 Chief Examiner Yost: The Examiner has always permitted the introduction of exhibits from records of the Commission, when they were at all material, notwithstanding that provision. It does not say that they may not be admitted as evidence in the case.

The Examiner is of the opinion that they are relevant.

Mrs. Willebrandt: They will be exhibits 5 to 27, inclusive.

(Duplicate copies of applications of Chicago radio stations were received in evidence and identified by being marked Docket 1156, Applicant's Exhibits Nos. 5 to 26, inclusive, and are filed with the copies of transcript in possession of the Commission.)

Portions omitted in printing.

Mrs. Willebrandt: I would like to offer, accompanying them, just to save time, this tabulation (exhibiting).

Chief Examiner Yost: What is the tabulation? Who prepared it and what have you to say as to its correctness?

By Mrs. Willebrandt:

Q. I show you this and ask you what it is. A. This statement indicates the number of hours of entertainment, religious, agricultural and educational broadcasts, by the different stations in the Chicago area, taken from their license applications. That is, the figures were taken from the license applications, the programs and statement
394 of hours.

Q. Were the figures on this sheet of paper personally taken from those applications? A. They were.

Chief Examiner Yost: You can testify that they are true and correct?

The Witness: As taken from the statements.

By Mrs. Willebrandt:

Q. You testify that they are true and correct, so far as the tabulation is concerned? A. I do.

Chief Examiner Yost: The statement may go in.

(Two copies of statement headed "Statement to accompany exhibits 5 to 26", etc., were received in evidence and identified by being marked "Docket No. 1156, Applicant WJKS Exhibit No. 27", and are filed with the two copies of transcript in possession of the Commission.)

By Mrs. Willebrandt:

Q. This tabulation is a monthly statement, is it not? A. It is.

Q. How many total hours of entertainment are there by these 22 Chicago stations?

Mr. Cook: If the Examiner please, it seems to me that this is a case of Ossa on Pelion. First they prove documents; then they prove a tabulation which the wit-
395 ness says he made. Then counsel wishes to spread on the record by individual answers to many questions what the tabulation shows. I think she has made a complete record.

Chief Examiner Yost: It will be an aid to the Examiner to have it.

Mr. Cook: To have the witness state what the tabulation shows?

Chief Examiner Yost: Yes.

Mr. Cook: Very well.

Mr. Newman: It may be borne in mind, Mr. Examiner, that in each of these applications wherein it has been specified what percentage of their hours on the air are entertainment, agricultural, etc., that that is the opinion of the maker of the application as to what is and what is not entertainment. It seems like plenty of latitude is allowed for guesswork there.

Chief Examiner Yost: The Examiner will not be misled by that.

Mrs. Willebrandt: It is just what the records of the Commission show they are giving the public on entertainment, how many hours of entertainment, and so forth.

By Mrs. Willebrandt:

Q. How many hours of entertainment do these applications show? A. 3,599.44 hours monthly.

Q. How many of religious programs? A. 418.8.

Q. How many of agricultural programs? A. 272.8.
396 Q. And of educational? A. 557.1.

Q. With the hours that WIBO's application gives to these four classifications of broadcasts removed, it would leave in the Chicago area how many hours of entertainment? A. 3,239.4.

Q. And how many of religious? A. 393.1.

Q. And how many of educational? A. 557.1.

Q. How many of agricultural? A. 272.8.

Q. From these applications it appears that how many hours are being given by WPCC in agricultural or educational broadcasts? A. No hours are indicated in their application.

Q. How many of entertainment? A. None.

Q. All of the hours of WPCC as indicated in the documents that have just been put into the record are given to what type of broadcasting? A. Religious.

Q. And that is a total of how many hours? A. Fifty hours.

Q. Therefore the condition of the Chicago broadcast by the removal of WPCC would change the totals you have just given in only the amount of religious broadcasting; is that correct? A. Yes.

397 Q. And that would reduce the religious broadcasting in Chicago from the 393.1 hours that you have just given by 50? A. Correct.

398 *Testimony on Behalf of Respondent WIBO.*

William S. Clark was called as a witness for and on behalf of respondent WIBO and, having been duly sworn, testified as follows:

Direct examination.

By Mr. Cook:

Q. Mr. Clark, will you state what your business experience has been in relationship to radio? A. It has been editorial and broadcasting. I organized the first radio section in Chicago in January, 1922, and within a few weeks after that we began broadcasting in the sense that we began furnishing a service to KYW, the Westinghouse station in Chicago. That has continued, with different vehicles for broadcasting, ever since; a period of something better than nine years.

Q. Who are "we"? Is that a newspaper? A. The Chicago Evening American, an evening newspaper in Chicago with the largest circulation of any evening newspaper in Chicago; the second largest of any in the

399 United States, according to the A. B. C. records.

Q. Your radio publication started in 1922? A. Yes, sir.

Q. What was the character of the radio page? A. Originally it was stories of the new thing that had come in—radio—telling about what radio was, what it was expected to do; and many of them were prophecies that were

rather wild at the time, but in the main those prophecies have materialized.

Gradually we began to print radio programs, not only of KYW, but of other Chicago stations as they were built, and also of stations throughout the United States, giving general information to the reader as to what radio was, what it was doing, and the nature of the program material on the air. Also we published in those days diagrams of radio sets, wiring diagrams and schematic drawings, so that the reader could build his own set; and for a couple of years that was quite a feature of the page. That gradually went out with the perfection of radio receivers, and at present the technical side of radio is rather minimized and the service of radio is stressed.

Q. What other newspapers followed your first venture? A. The Chicago newspapers followed in turn; the Daily News, first, and then in series, others.

Q. Your first station association was with KYW? A. Yes.

Q. What later associations did you have? A. We had association with KYW for approximately six years, until the latter part of 1928. Then for approximately one year we had an association with WBBM and, beginning October 1, 1929, we began association with WIBO. That has continued to date.

Q. And it is anticipated that it will continue as long as you can maintain your relationship with the station? A. That is our wish and our desire.

Q. Will you state what your relation is at the present time with WIBO? A. Prior to October 1, 1929, in conference with Mr. Black, the publisher of the Evening American, Mr. Nelson, of Nelson Brothers Bond and Mortgage Company, owners of WIBO, and myself, and also with the local representative, the vice-president of the National Broadcasting Company, we began on that date an affiliation with WIBO and the Evening American and the National Broadcasting Company. It was sort of a general agenda as to the parts to be played by the three parties, which were left to further development—of the American, to me, and for the other parties, to their respective directors at the time and those that were to follow.

As a result of that, on that date WIBO began to get National Broadcasting programs. They became an official

outlet of the National Broadcasting Company on the same date that they became an official outlet of the Evening American service. They have continued until now.

Q. What service do you furnish to WIBO as your participation in the cooperative service? A. Well, we furnish service of several classes. I will enumerate them for convenience and speed in the different classes.

401 Our agreement with WIBO generally covered the idea that WIBO was to have from the Evening American whatever service it required and that we were to have from WIBO an announcement of the Evening American's name on the air in connection with the call letters of WIBO approximately twice an hour during the day and evening, at all times when WIBO was broadcasting. The usual announcement is:

"This is Station WIBO, owned and operated by Nelson Brothers Bond and Mortgage Company and affiliated with the Chicago Evening American, the most widely read Chicago afternoon newspaper."

That is approximately the wording.

Q. What kind of material to go on the air through WIBO does the Chicago Evening American furnish to WIBO? A. We furnish several times during the day the market reports, news bulletins at regular intervals, and at intermediate times spot news flashes, such as verdicts in important cases, accidents, unusual happenings that happen to crowd in on the news at that time. Those are given immediately. We also furnish over the air the cooking department of the American. We have a cook who has a laboratory kitchen in the Hearst Building where the Evening American is published, who writes a series of stories in the paper daily containing advice on cooking, menus——

Q. By "stories" you mean items? A. Articles,

402 yes, on seasonable foods, and she conducts classes of women—mostly women, of course,—teaching them how to cook, how to select foods, and gives them direct illustrations in her experimental kitchen, which has an auditorium seating 100 to 120 people.

Q. Does that go into the field of so-called household economics in the food line? A. Yes; it reaches out into household economics, and is without advertising. In other

words, we do not advertise either in the articles she writes or in her class work brands of foods.

She goes on the air about 11 o'clock—I think the schedule is, now—either she or one of her assistants, for a 15-minute broadcast. That broadcast includes information to the listener as to seasonable foods, seasonable entertainment; that is, for Thanksgiving the proper sort of thing to have for a Thanksgiving dinner; at Christmas time, Valentine's day, proper decorations of the table, and all that sort of thing. She answers letters received from listeners, giving them further information and sending to them the literature we have on her work.

In her broadcasts on the air nothing is said of food brands. If she speaks of shortening, she calls it "shortening"; she does not mention the name of any food brand in any way. There is still another service along this line.

403 We also have an interior decorator who writes under the name of Mrs. Perry. Her column in the paper is informative as to how to decorate the home, how to furnish it, such as drapes, color effects, and all that sort of thing. She goes on the air alternating with Mrs. Martinson, who is the cook, and gives the listener talks on house decoration.

In that case also there is no trademark or trade name used. It is a service of information and not of advertising.

Q. Give a typical illustration of current news service furnished by the newspaper to WIBO station. A. Well, to illustrate, at 10:30 in the morning we go on the air from our own studio in the Hearst Building, giving them the ordinary market quotations of the leading stocks, also possibly a review of the New York stock market by our expert, the International News Service expert.

Those being finished we give them an outline of the early day's news as we get it from the International News Service and as our local reporters pick it up. That is repeated again at 12:30, with the markets, and then in the afternoon, following the ball games, with the closing of the markets and also later newspaper bulletins.

Q. In case of a catastrophe, like the falling of an airplane with Knute Rockne in it—— A. That happened in the middle of the morning at a time when we were not scheduled to be on WIBO with news flashes. Immediately a thing like that happens they notify the radio department

and we notify WIBO that we have a news flash, and if possible they break the program and we give it. If the program is a national chain program which cannot be broken, we wait until the close of that program. It may be
404 ten minutes or five minutes; probably not longer than 15 minutes. We then gave the news flash telling them Rockne was killed in an airplane accident and what little information we had at the time. Incidentally, we call attention to the fact, naturally, that the more complete story will be found in subsequent editions of the Evening American.

Q. Describe your studio arrangements with WIBO and the means by which you handle anything that you furnish to them. A. In our early connections with KYW we built in our building, that is, the Hearst Building, Chicago, a studio, sound proof. It was at that time the first real studio built in Chicago. Installed in it was the regulation equipment for broadcasting, microphones, amplifier and all that sort of thing. That studio we continued to keep open for the time being. We broadcast from that studio the entire troupe from one of the local theaters, the Ziegfeld Follies; we had the Duncan Sisters, White's Scandals and various other shows that came to town. We would bring them over after the show and either put on the show or put on musical selections from it. We had afternoon programs, and we carried six to eight hours a day of programs from that studio until KYW built its own studios which were better equipped, and we quit broadcasting from there. But it is still usable and is being used by WIBO as a down town studio. Their main studio is some eight miles north of the Loop. It is a matter of convenience to WIBO to have a down town studio for many broadcasts, particularly of celebrities passing through the city. Most of those
405 celebrities are theatrical and movie people. If they have a few hours in Chicago our dramatic department brings them over to our studio and puts them on the air so the audience can hear them.

We have also a panel connected by permanent wires from our building to WIBO's main studio in Broadway. I call it a panel. It is more or less in the nature of a switchboard, and through that panel all the pick-ups from the Chicago Loop and south are made.

In other words, to illustrate, the White Sox field, which is practically four miles south of the Loop—they run the wires through into our panel, and from that they go over our own wires up to WIBO's studio in Broadway. That is true of the cafes and hotels south of the Loop.

Q. For their musical entertainments? A. Yes. These programs that are broadcast are picked up from south of the Loop and passed into our office and are carried over wires for which the American pays line charges to the WIBO main studio in Broadway.

Q. You support a connection in order to have them available for your uses and their uses for prompt service? A. Yes. Our studio in effect is a branch studio of WIBO.

Q. Are there any services that WIBO furnishes in association with you for which you make any remittance or payment to WIBO? A. Yes; but I have not finished, Mr. Cook.

Q. Go ahead. A. We have on Tuesday evening a
406 period known as the True Chicago Hour. That is sponsored—I don't mean, commercially sponsored; I mean it is sustained—by the Chicago Real Estate Board, the Chicago Evening American and WIBO. At that period we put on a prominent Chicagoan, who is prominent in his particular activity, to talk about Chicago and Chicago's activities.

For instance, Colonel Randolph, the president of the Chicago Association of Commerce, has talked there about Chicago generally and its position and hopes and ambitions in the world of cities. The president of the Illinois Central Railroad I recall has talked about Chicago as a railroad center.

The present head of the National City Bank discussed Chicago as a financial center. We have had, since February, 1930, when the series started, about sixty men of that type who each Tuesday evening at 6:30 go on the air from our studio, or generally from our studio, and tell the story of Chicago in its better sense.

The Superintendent of Schools and representative of the Chicago Art Institute talked of Chicago art; and on the commercial side men who are equipped to talk about Chicago as a shoe manufacturing center or a candy manufacturing center; all these things which we consider go to the building up in the minds of the radio audience a picture of Chicago's

greatness rather than her follies are broadcast on these Tuesday night features.

Then we put over the air a comic supplement which is entertainment for youngsters. A young fellow plays
407 the ukelele and different things, and "Pop Eye" and "Little Annie Rooney", and all the others are read to give the kiddies a jolly 15 minutes, when they are listening; and we give sports reviews.

Without going into further details of those features, the facilities of the Evening American editorial and news-gathering forces are at the command of WIBO in case they want them.

Q. Are you ready, now, for the question I asked previously? A. Yes. In addition to that, the ruling was made by our publisher in our original conference that where we wanted direct commercial propaganda for the Evening American we were to buy the time. I do not know whether I made it clear in the beginning that this was not a question of purchasing time from WIBO. All these features are given WIBO as service to its listeners and accepted by them as such.

Q. You mean, all that you previously testified to? A. All that I previously mentioned.

Now we go into the commercial side of it. We buy time on WIBO for such activities as we believe are of benefit to our advertising staff, advertising solicitation. For instance, the manager of the classified advertising department buys time on WIBO in order that when an advertiser takes a certain amount of linage in his department he can go on the air and call attention to that particular group of advertising. Supposing Cochran and McClure, or
408 any of the other big rental people, give you, before May 1st, a certain amount of "For Rent" advertising. Our advertising manager is in position to tell them that if they carry that amount of space he can give them, in addition to the space in the American, an announcement over WIBO for which the American pays at the rate scheduled, when some announcer goes on at a certain point and says this certain building, describing the building of the Cochran and McClure group, and calls attention to the fact that the Evening American's classified pages carries more detailed information as to the character of the building and the rates of rental, and so forth.

We have that same arrangement with our insurance department. By "department", I mean we carry every Tuesday articles by a Mr. Loomis, an old experienced insurance man, on life insurance, and on Monday evening we go on WIBO with a 15-minute playlet based upon the records of the Chicago underwriters believed to be a true record of some Chicago family who either were saved from penury on the death of the husband by the lucky chance of his having taken out life insurance, or who were left stranded by the fact that he failed to close his contract with the life insurance company. Those playlets are put on by a group of two or three or four characters, and the Evening American pays WIBO for the time.

Q. Does that accomplish, first, the general encouragement of life insurance with reference to the advertisements of insurers who wish to have that studied in the newspaper by the public at large, and, second, a
409 benefit to your advertising department in that field?

A. Yes. The whole service tells the story of life insurance to the reader of the newspaper and to the audience of WIBO, and also makes the advertising of the insurance group more effective. We get more advertising from the insurance group and we believe it helps business.

We are not doing this out of generosity to anybody. The classified man believes it promotes his business to the extent that he can well afford to buy time on the air. So does the insurance man; also the man who conducts the advertising of our Saturday magazine section. He buys time on the air to promote certain advertising features of that section.

Q. That is another classification? A. Yes.

Q. Describe that briefly. A. He carries certain pages on foods and particular brands of foods, and on Friday he puts on the air a woman talker who conducts a "What is in your Cupboard?" program, in which the listener is asked to write in as to what she has been able to make with these advertised brands of foods and how they have improved their cooking or otherwise.

That is a purely commercial thing for which we pay, and we believe that it pays us to do so.

To be more exact on the financial end of it, some of these programs we rate as promotion and pay for them out of the profits of the Evening American. The insurance pro-

gram, however, is of a little different character. The clients of this life insurance movement bear a pro
410 rata expense of the cost of the insurance program, both time on the air and the pay of the artists involved. But eventually it more or less comes out of the profits or the promotion costs of the Chicago Evening American; and we believe we get returns, otherwise we would not carry it on.

Q. Outside of those three classes of publicity in which there is some money exchanged, the relations of your newspaper and WIBO are mutual and cooperative? A. Yes. There is another service, however, which we have not included. We give WIBO a direct advertising service in the pages of the Evening American. That was a part of our original agreement. We sell classified advertising in the Evening American and sell it for a pretty good rate. Under our original agreement we were to give WIBO from time to time advertising, from a small ad. up to a page ad., depending upon the advertising burden of the day. We had no fixed time in which we were to carry those ads., but just placed them on certain days when it was convenient to do so. That was not a payment to WIBO but a direct cost to the Evening American.

Q. A contribution to WIBO? A. The effect of the advertising, as we understood it, was to broaden the audience of WIBO by calling attention of the American's readers to the service which WIBO was rendering, thereby increasing the value of WIBO to the community and, incidentally, to the Evening American.

Q. I hand you this paper and ask you if it is an example of a full page ad. of WIBO in the Chicago Evening
411 American. A. Yes. That was carried in our paper.

Mr. Cook: We offer that as our exhibit No. 1.

Chief Examiner Yost: Newspapers are not admitted, under the rules. If the advertisement itself is clipped and offered in duplicate I can see no objection to its being admitted.

Mr. Cook: This is not to prove popularity, but to show the relationship of the service.

Chief Examiner Yost: The Examiner understands that, but the Examiner is just adhering to the rule that newspapers as such are not admitted as exhibits. If the adver-

tisement itself is properly presented, certified and identified it may be admitted.

(Two copies of an advertisement of WIBO appearing in the Chicago Evening American under date of April 17, 1931, were received in evidence and identified by being marked "Docket 1156, Respondent WIBO Exhibit 1-A", and are filed with the two copies of transcript in possession of the Commission.)

(Omitted in printing.)

By Mr. Cook:

Q. And you also receive, as you have testified, announcements beneficial in an advertising way and an exploitative way to the Chicago Evening American over WIBO's transmitter? A. Yes. We have these regular announcements which occur practically every half hour during the time that WIBO is on the air, morning, afternoon and evening, week days and Sundays; and very often we hear over the air very courteous references to the Evening American by WIBO, made on their own responsibility without our solicitation.

We also in our business relations have an arrange-
412 ment with WIBO in a sort of a combination rate card by which an advertiser in the Evening American receives a lower rate for time over WIBO than does a non-American advertiser.

We also have in that connection, and growing out of it, a program of WIBO known as the Giant Finger of the Air, occurring frequently during the week, which is a musical program interspersed with references to news features in the Evening American and put out in the Evening American, the attention of the listener being called to the page in the Evening American at which that advertisement is placed. These advertisements in this Giant Finger of the Air program are sold by WIBO to the advertiser. They are not sold by the Evening American. In general we do not sell time over WIBO, and WIBO does not sell space in the Evening American.

Q. Have you a joint rate card showing that commercial arrangement with patrons and users of WIBO's transmitter? A. Yes; there is such a rate card.

Q. I ask you to identify this paper and state what it is. A. This is the Giant Finger of the Air synopsis and also the joint rate card.

Mr. Cook: I offer it in evidence.

Chief Examiner Yost: The witness knows it to be true and correct?

The Witness: Yes.

Chief Examiner Yost: It may be admitted.

The Witness: I did not prepare it, but I know it is correct.

413 (Two copies of rate card of radio station WIBO were received in evidence and identified by being marked "Docket 1156, WIBO Exhibit No. 2-A", and are filed with the two copies of transcript in possession of the Commission.)

By Mr. Cook:

Q. That card sets forth in detail what you have just stated? A. Yes, sir.

Q. Mr. Clark, what is the editorial news policy in the radio department of your paper with respect to station WIBO?

Mrs. Willebrandt: I object to that, if the Examiner please, as not being competent in the case, unless there is some link-up between the radio editorial department of the Hearst newspaper and the station. There is no identity of ownership that we have discovered so far, or of management.

Chief Examiner Yost: Some link-up would be necessary, the Examiner feels, to show where the attitude or the policy of the paper would be material in this case.

Mr. Cook: I think we can link it up, if the Examiner please. I will state how it is linked up.

This newspaper, which the witness has shown has the largest circulation in that territory in the evening field, is shown to be in relationship with this station. The service of the station is aided by the fact that this great newspaper is in relation with the station, and with the newspaper's editorial attitude, as it will be stated by the witness, it may be disclosed that the service of the station is increased; its

benefit to the public interest is increased by the fact
414 of the newspaper's editorial attitude in its great circulation of its evening paper; and that, I think, the Commission and the Examiner should consider in judging of the station.

Chief Examiner Yost: It is your position that if Station WIBO were removed and taken off the air, the fact of its attitude and its policy toward the station would be a loss to the public?

Mr. Cook: That is right, sir, and we will prove that. The situation in which it would be left. I think that is perfectly competent.

Mrs. Willebrandt: Those things in detail can be asked.

Mr. Cook: I am laying a foundation only.

Chief Examiner Yost: You may show just what the attitude is.

The Witness: The Evening American carries from three to five and more a day of what we term radio news articles on its radio page, a page designated as the Radio Page. By that, I mean it is not hit and miss through all the paper; it is put on one page. We carry in there the programs of the Chicago stations, the evening programs. We carry a special displaying the programs of WIBO in the evening and, when opportunity presents, the following day. Tightness of space sometimes eliminates that.

We also carry short stories with separate headings on
415 what we consider the best outstanding programs of the coming evening or the future on all the radio stations in Chicago. Usually our editorial judgment has been that the line over the page be devoted to the programs of WIBO, holding that those programs are of sufficient importance in Chicago for them to justify the headline. That is our editorial judgment.

By Mr. Cook:

Q. On this page to which you refer you have what is a continuation of the first radio page ever published in Chicago? A. The first radio page ever published in Chicago, which was started on January 18—it was not a page then; it was a column at that time—January 18, 1922, and it has expanded and shrunk at various times until it is as is.

Q. I hand you this paper and ask you if you can state what that is. A. Without examining each separate item

in detail, I will say they all appear to be facsimiles of the headlines of the Evening American radio page. Some of the pictures carried on the pages are shown in part or in whole, and some of the text matter of the stories.

Q. Are these illustrative headlines reproduced those of the Chicago Evening American's radio page? A. Yes, day by day. The headline may not always be the entire eight columns; it may be six columns or four columns or even three; but we carry such a headline on the page; this illustration being larger than the page. The type on the page is not quite so large as it appears here.

Mr. Cook: If the Examiner please, we offer
416 & 417 three different duplicates of these collections of headlines and types of the radio page of the Chicago Evening American of different dates. We will offer all of the pages of all of the newspapers from which these photographs were made in composite, as supporting the statement of the witness as to the policy of the Chicago Evening American with respect to the radio position in general in Chicago and the particular radio position with respect to Station WIBO.

418 Chief Examiner Yost: They may go in for what they are worth, since there is no objection.

(Two copies of headlines from Chicago Evening American, dated March 16, 1931, were received in evidence and identified by being marked "Docket 1156, Respondent WIBO Exhibit 3-A", and are filed with the two copies of transcript in possession of the Commission.)

(Two photostat copies of headlines from Chicago Evening American, dated February 25, 1931, were received in evidence and identified by being marked "Docket 1156, Respondent WIBO Exhibit No. 4-A", and are filed with the two copies of transcript in possession of the Commission.)

(Two copies of headlines from Chicago Evening American, dated February 18, 1931, were received in evidence and identified by being marked "Docket 1156, Respondent WIBO Exhibit 5-A", and are filed with the two copies of transcript in possession of the Commission.)

Omitted in printing.

By Mr. Cook:

Q. Will you look at this paper and state what it is? A. This is a picture or drawing of the studio of WIBO in the Broadway Building.

Q. Will you turn to the middle pages? A. These are photostats similar to the ones we just looked at, of
419 pages of headlines, and photos printed in the Evening American's radio page. This page seems to be concerning celebrities of national character.

The next page appears to be mostly concerned with operatic and musical broadcasts.

This (indicating) appears to be a combination of orchestra broadcasts and other features, with the orchestra broadcasts predominating.

The next also is program material, religious, sports and others.

This (indicating) is similar, being photostats of headlines and portions of the contents of the radio page of the Evening American.

The next page and the following page are similar; the following page, however, being largely devoted to sports. The final page is illustrative of the attention given the matter of television over Station W9XAO which operates in conjunction with WIBO.

Q. Experiments on television? A. Experiments on television and the attention given it in the Evening American pages.

Chief Examiner Yost: Are they all events broadcast by this station?

The Witness: There is one date here, Friday, August 22. This operatic page would be some time between the latter part of October and the middle of January.

Chief Examiner Yost: Who prepared that?

Mr. Cook: I will explain that in my proffer.

The Witness: One date is December 27, 1930. It
420 apparently covers the last six months of 1930.

Mr. Cook: If the Examiner please, I make a proffer of this booklet only for the purpose of laying on the record the photostats of newspaper headlines and items——

Chief Examiner Yost: Is that prepared and issued by WIBO?

The Witness: It is prepared and issued by WIBO and is identified as containing photostatic reproductions of material appearing in the Evening American. It is in exact lines with the previous exhibit, but is in more convenient form and goes to a greater extent.

Chief Examiner Yost: The individuals shown are individuals who have broadcast in some capacity over Station WIBO?

The Witness: Without names being given. The photographs surrounding the reproduction of the newspaper items are a mere border without giving the identification of parties.

Chief Examiner Yost: It may be admitted.

The Witness: Some of the photographs may not be of those who broadcast over WIBO, but I assume they are, without making a minute study.

(Two copies of the booklet referred to, headed "WIBO, at the top of the dial", were received in evidence and identified by being marked "Respondent WIBO Exhibit No. 6-A", and are filed with the two copies of transcript in possession of the Commission.)

Omitted in printing.

By Mr. Cook:

Q. Is it or is it not the policy of the editorial department in the radio page of the American that your news
421 comment is not for sale? A. I want to bring out that distinction. I was going to ask for the opportunity if you did not ask me about the distinction between that page display ad. that was shown and the facsimiles of the news pages. Of course the editorial content of the Evening American—I presume it is true with standard newspapers—is not for sale or for exchange. We have a perfect right under our policy to give WIBO or anybody else a display ad. in our paper. We would not for a price or for a consideration other than a money consideration.

We would not consider that we had any right, under the ethics of a proper newspaper publication, to give the editorial content of our paper for a price or for any other consideration. In other words, we do not sell it or barter it or exchange it.

Q. That is a matter of your editorial judgment? A. The assumption is that the news content of the paper belongs to the reader. It is our editorial policy to give what we consider is the most interesting to the largest number of our readers.

Q. Will you state the position in Chicago respecting the affiliation or ownership of radio stations by the principal newspapers? A. Chicago is peculiar in that, because it is probably the only large city where the newspapers are so universally affiliated with radio. The Chicago Tribune owns and operates WGN either directly under the Tribune Corporation or a separate corporation. I am not familiar with that.

The Daily News owns and operates WMAQ under
422 a separate corporation, a separate business proposition.

The Herald and Examiner—that is a Hearst morning paper—operates KYW under lease from the Westinghouse Company, the owners of the station.

Station WBBM has an affiliation with the Times, an afternoon tabloid paper. Just what the relation between the Times and WBBM is I do not know.

The Evening Post, which is practically the only other paper of general news circulation in Chicago, has at the present time, so far as I know, no direct radio contact, but it has had at different times contact with other stations.

Q. Is it or is it not a comparatively small paper in circulation? A. The Post?

Q. Yes. A. In circulation it is quite a small paper, an old paper, but it has a very limited circulation.

Q. Nothing to compare with your paper or the Evening News? A. No, not at all.

Q. Now will you state to the Examiner, if you can, the relative linage of radio advertising by radio companies and accessory purveyors in your paper and the other papers in Chicago? A. Radio linage began in 1922. Prior to 1922 there was no radio industry, no radio advertising. Along in the latter part of 1922 the first radio advertisements began to appear. They were a minimum—nothing to compare with advertising in other fields.

423 In 1923 they began to build up, continuously building up until they reached the peak in 1929.

Beginning in 1923 the Evening American has led the Chicago metropolitan field in total radio linage, that is, of all the six-day papers, including the morning papers, the seven day publication of the Tribune, the Sunday Tribune—sometimes the Tribune has the edge on certain classifications, but we have consistently led the field from 1923 through 1930. I have not seen any figures on 1931 to indicate whether we are still ahead, but I assume we are. That is an assumption only.

By Mr. Cook:

Q. What would be the position of the Chicago Evening American with respect to securing other broadcasting outlets by association with some broadcasting station if
424 WIBO were taken off the air?

Mrs. Willebrandt: I object to that. It is not within the issues here. Of course the patrons that are now using WIBO would not be able to use it if it is taken off the air. Whether they could hypothetically make arrangements elsewhere is not a part of this case.

Chief Examiner Yost: You ask him for his policy? The Examiner is of opinion that the question might have been stated differently, using some other word instead of the word "policy."

Chief Examiner Yost: It has some relation to this issue, as the Examiner sees it. It is the position of the Examiner that if it can be shown that the taking of this station off the air would injure the public service, then it may be shown, but otherwise it would not be material.

Mr. Cook: I think the question is complete.

Chief Examiner Yost: The Examiner probably was mistaken when he said you used the word "policy." You used the word "position."

Mr. Cook: Add to that question this further clause, please:

And by "position" I mean your ability to employ broadcasting in conjunction with your newspaper.

Chief Examiner Yost: You may answer.

Mrs. Willebrandt: I object to that, because there is no showing that their ability to link broadcasting with
425 their newspaper policy is in the public interest.

Chief Examiner Yost: But there is a relationship here; and the witness, if he knows, may answer.

The Witness: There is no other station in Chicago commensurate with WIBO's present standing that is open to a newspaper affiliation.

Chief Examiner Yost: But so far as you know, with reference to making other arrangements, you would not be qualified to say. You have not approached them or——

The Witness: We have not searched the field, but my knowledge of the outstanding stations in Chicago and their present affiliations is such that I know we could not make contact with any station of WIBO's character without displacing some other newspaper contact. There is no other station.

By Mr. Cook:

Q. And the material which you would furnish would be a change of and substitution for existing program arrangements of those stations? A. Yes. The material we now furnish and the facilities of the Evening American which are now at the command of WIBO and are being used by WIBO would be off the air.

426 Cross-examination on behalf of applicant WJKS.

By Mrs. Willebrandt:

Q. Mr. Clark, WMAQ, I believe you said, was owned by the Daily News? A. It is operated in conjunction with the Daily News, and I understand it is owned and operated by another corporation, not by the same corporate group that runs the paper. They have separated the station operation from the newspaper operation.

Q. Will you state, if you know, whether the Daily News has a page with headline features on WMAQ? A. They have a page, but their make-up of the paper differs from ours. They do not carry those headlines ordinarily.

Q. WGN is owned or operated by the Tribune, is it not? A. Yes.

Q. Will you state whether the Tribune carries headlines exclusively of the features of WGN? A. The Tribune carries a very brief editorial statement on the WGN programs and chain programs, and they carry a form of display advertising at times of the WGN programs. They carry no other programs except in their early mail editions,

but in their city editions they carry no reference to the programs of other stations except WGN.

Q. Are those headlines particularly emphasized? A. No; they are small headlines, the ordinary routine heading.

Q. But they are silent on all other stations except
427 WGN? A. In the main. I do not recall that recently they have mentioned any station besides their own.

Q. Does the Herald-Tribune outrightly own WGN? A. WGN is popularly known and has been for years as the Tribune station and is understood to belong either to the Tribune corporation or to a corporation subsidiary to the Tribune.

Q. So the Tribune is not an advertiser over WGN, and it is known that WGN is the operator of the station as an owned subsidiary; is that right? A. It is generally understood that WGN is the Tribune station. As to whether they carry any direct advertising of their own institution on a commercial basis of course I would not know.

Q. WLS is owned or operated by the Prairie Farmer, is it not? A. For some time it was owned and operated by Sears Roebuck, and then by the Prairie Farmer, and recently it has been taken over, under a lease or agreement, by the National Broadcasting Company.

Q. Can you tell me whether the Prairie Farmer headlines its programs? A. They did some time ago. I never see the Prairie Farmer. It is an agricultural newspaper.

Q. WBBM is owned by the Daily Times, is it not? A. The Daily Times Corporation. Mr. Thomason is the president of it. It is owned by a corporation.

428 Q. Who owns and operates KYW? A. The Herald and Examiner, a Hearst morning paper, operates KYW under a lease from the Westinghouse Electric and Manufacturing Company, which owns it—I mean, operates it as to programs. I think the physical operation of the station is carried on by Westinghouse.

Q. The American used to use KYW as its outlet? A. For six years we used it.

Q. During the six years that you used KYW as your outlet did you feature the same headlines and editorial policy with reference to Station KYW? A. We varied at times. That was a time when the programs on the air were not the big news story of radio. The development of radio in other

fields—very often it was considered the best story, and we carried a headline on some technical feature, some new set, some new invention in radio, subordinating the programs.

Q. Your editorial policy changed on the American about the time that you began to use WIBO as your outlet? A. I want to say that the editorial policy has never changed.

Q. I am referring in my question to the policy of your radio page. A. The news features changed.

Q. So that now you headline exclusively the programs of WIBO? A. In the general sense our big lines run to WIBO programs, but our little lines are not always WIBO.

Q. Will you state what the Herald-Examiner does
429 with the time of KYW? A. I would not be competent to answer that.

Q. It runs it, you say? A. It sells time on KYW as if it owned it; puts on its own programs and handles it as though it owned the station.

Q. You say that the Herald-Examiner runs and sells time on KYW? A. Yes.

Q. Who owns the Herald-Examiner? A. It is owned by the Illinois Publishing Company which, in turn, is owned by Mr. Hearst.

Q. It is a Hearst paper and the American is a Hearst paper? A. Yes.

Q. Why could not the American buy its time from KYW? A. We are members of the same family. We are both owned by Mr. Hearst; but the personnel in the editorial and business operation of the two papers is kept distinct. It is Mr. Hearst's policy not only in Chicago but in other cities to keep the morning and afternoon papers as distinct as possible. We could buy time on KYW, possibly, but we would have to do it at the expense of elimination of the Herald-Examiner's time.

Q. If you bought it would you have to pay any more for
it? A. No; but Mr. Hearst would probably feel that
430 the Herald and Examiner's interest in it, in the time on KYW—he would object to the evening paper buying it or using it.

Q. You just told me that the Herald-Examiner does not use the time of KYW; it sells it. A. Oh, yes; it uses it too, either for sustaining programs or sells it for revenue to pay the cost of operation.

Q. It sells time on KYW to other advertisers that buy time? A. Yes.

Q. But do you think of any other reason why the Chicago Evening American could not buy that unused time instead of using WIBO? A. It would be against the general policy of Mr. Hearst to have the two papers working in that way if it could be avoided; and they are paying Mr. Hearst through the Herald-Examiner a large sum of money to Westinghouse for the leasehold of that station. It is up to the Herald and Examiner to at least break even or make a profit. It would be impracticable. While in theory it might be worked out, it would be an impracticable arrangement and it would not work out.

Q. Then, according to Mr. Hearst's policy, it would be an impracticable arrangement, if I understand you correctly, to get time or to have an outlet in a radio station where you have to buy time? A. Well, it goes back to another principle. Mr. Hearst on some of his papers actually buys time. I believe the New York papers buy time over WOR at Newark and pay for the time they have for their exclusive use. It has been the policy of
431 the publisher of the Evening American, and he has that right under Mr. Hearst's assignment of authority to his publishers, to determine for the American what our policy is to be. It has not been Mr. Black's policy to buy time on the air for any great amount of use for the general promotion of the paper. Spot time for certain advertising departments of the paper in a minor way, yes; but he would not at present go out and buy the operation of a radio station.

Q. The Chicago Evening American, though, is a business enterprise, is it not, that is engaged in doing many other things? A. Yes.

Q. The policy, then, of Mr. Hearst to which you refer would be that of getting a radio outlet without paying the advertising rates that other advertisers have to pay? A. Now, I would not say that. I am not in position to state Mr. Hearst's policy. Mr. Hearst's general policy with regard to radio may vary with the need in a particular instance. Mr. Black, our publisher, has always carried the idea that the present way of handling radio is the most successful way so far as a newspaper is concerned, and we

have, since we began, with the exception of a very limited time on KYW, carried out his policy.

Q. I believe you referred to the use of some time you have from WIBO for a life insurance playlet. What life insurance company was that? A. It is the Underwriters, an organization of life insurance companies, not any one company; the Chicago Underwriters, which I under-
432 stand to be supported by a group of life insurance companies.

Q. How much do the Underwriters Association pay for that time? A. I would not be in position to answer that, because I did not handle the commercial aspect. That was handled by the man who handles the insurance advertising. I just know of the arrangement, but what he paid or what they pay I do not know.

Q. They did not have to pay the same rate that other radio advertisers have to pay on other radio stations? A. In general I would suppose that they got the Evening American-WIBO compound rate which is slightly lower than that to outside advertisers. But I know nothing about the business arrangement, of myself, between the head of our insurance department and WIBO and, on the other hand, the Underwriters.

Q. You are not stating for the record that this playlet and the advertising of the insurance underwriters over the air was arranged directly by the underwriters with WIBO or paid for directly by them to WIBO? A. I did not personally make the arrangement. It is my understanding from the conversations and things that have come up in connection with it that they pay a surplusage to carry the radio program, and the Evening American in turn pays WIBO. But the commercial manager would be more in position to actually answer that.

Q. Do the advertisers in the Evening American get radio mention in addition to their advertising rates? A.
433 If they pay for it and it is understood that they are to get it; yes.

Q. But it is less than radio advertisers have to pay otherwise? A. Yes. There is a slight reduction from the card rate.

Q. Will you state, Mr. Clark, whether, in your opinion, this cuts both ways—it undercuts other newspaper advertisers and also other radio advertisers? A. It is an

open book for other newspapers and other radio stations. I do not know of my own knowledge whether the Tribune advertiser gets a better rate over WGN, because I am an editor and not an advertising manager, and I have not had any occasion to know that.

Q. Would you state why the Evening American has this dual policy? It is for the business advantage that comes from it, is it not? A. That is true.

Q. It is not primarily for the public service that comes from it? A. That advertising policy, so far as the commercial side—I have made a distinction between the commercial side and the editorial side—we claim no
434 special generosity in our commercial advertising over WIBO. We do it for the same reason as any other advertiser, to get more business. When we buy time we expect to get the business and we get paid for the money we spend, the same as any other advertiser.

Q. Do you think of any of the time that you use on WIBO as primarily for the public service, public convenience and public interest? A. Yes. It is my opinion that the eight or nine—I think it runs now practically ten hours a week—the Evening American news service, cooking service, market reports, interior decoration and all that service is primarily for the interest of the listener.

Q. Market reports and cooking? A. Market reports and cooking and interior decorating, "True Chicago Period", sport flashes——

Q. Will you state how many other Chicago stations are broadcasting cooking services? A. Well, there are cooking services over both chains, Columbia and National chains. I do not know just what other newspapers carry that on.

Q. WGN does, does it not? A. From my own knowledge I do not know. Naturally it would.

Q. WBBM does too? A. I don't know.

Q. The Columbia Broadcasting Chain does? A. Yes.

Q. KYW, the other Hearst station, does too, does
435 it not? A. Probably.

Q. WENR does too, does it not? A. That is the National Broadcasting Company.

Q. But they carry it as a part of their program, do they not? A. That I don't know.

Q. WCFL, the Chicago Federation of Labor station, also has that same service? A. That I don't know. I suppose so.

Q. How about WMAQ? They do, don't they? A. I assume so.

Q. Is there any station in Chicago that you know of that does not broadcast market reports? A. Any station that has a newspaper affiliation can; whether they do or not I don't know. I have not followed it.

Q. You know, as a matter of fact, that a great many of them do, if not most of them? A. Yes, sir.

Q. Referring again to this radio editorial policy that you have, would you think back over a number of months' time, whatever it may be when you had your present radio editorial policy, and tell me whether the space that you have given on that page to all the N. B. C. programs as combined and carried by other Chicago stations is equal to the space you have given to WIBO? A. The space we give to WIBO each day is not 50 percent; it is greater
436 than any other station by far, of course, but it does not absorb the page.

Q. But it always absorbs the big black headlines? A. Yes, usually; I think, always, probably. It does not absorb the illustrations and pictures and does not absorb the listed programs.

Q. Would you say that WIBO then had something less than 50 per cent of space but all of the headlines, and that the balance was used for the other stations? A. That 50 per cent is only a guess. It might be 40 or 30 per cent.

Q. I believe the Chicago Evening American at one time was identified with KYW and using KYW time, was it not? A. Yes.

Q. Why did you change? A. That is another policy that supersedes our own. There came a time when Mr. Hearst —the morning paper, the Herald and Examiner, had two stations, that is, two stations which shared time. The arrangement for some reason did not seem to be successful, and Mr. Hearst suggested that the Herald and Examiner take over KYW on a commercial basis. There was quite a lot of pressure brought to bear in the organization at that time to have the Hearst newspapers go into radio in a broadcasting way——

Q. To establish a Hearst chain; is that right? A. Yes. That was combated by other executives, and as a result they made the experiment in Chicago of leasing KYW and trying it out, and the morning paper was given the opportunity.

437 Q. Are we right in assuming, when you use the word "experiment", that you mean that if these two stations worked out well with the policies you have described, the chain would be the next step? A. That would be a conclusion which I could not foster at all.

Q. Do you want to enlarge on your answer about the experiment, about this being an experiment? A. No. That was always just a case of the suggestion coming that the Herald-Examiner take over KYW and run it and see what happens; and that is what they are doing, and we do not have it any more.

Q. Did you make some arrangement with WBBM? A. Similar to the one with WIBO.

Q. Why did you give up WBBM and go to WIBO? A. My understanding of that is that there was another newspaper in Chicago that made a cash offer to WBBM which our publisher did not want to meet, on the basis that it was a question of giving service for service rather than buying time. That was his ideal of a newspaper-radio connection.

Q. Tell me if I am right in assuming from your last answer that the Chicago Evening American has an agreement with WIBO to give service. A. Yes.

438 Q. Do you know what the terms and amount of that service was or how they are based? A. No; it is rather indefinite. As I said in the beginning, we got together and developed a general agenda as to what we were going to do, and we left it to develop. There is no fixed maximum or minimum of service on either side.

Q. As a part of that agenda, is and I mean by "you", of course, the Evening American to *to* advertise Station WIBO? A. We are to carry display advertising from time to time.

Q. Are you to take over any of its debts? A. No.

Q. Are you to underwrite it financially in any way? A. No.

Q. Are you to render any service other than advertising and the use of the headlines and notices on your radio editorial page of value for WIBO? A. All the service we give

them in the way of news flashes, market reports and speakers is in addition to the display advertising. The news page, however, is not a part of the contract. That is not a commercial page. We have no financial arrangement.

Q. Who makes up the advertisements in the American—you or WIBO? A. Well, I do not, except in an advisory capacity. The advertising is usually written by the advertising manager of WIBO and the manager of the
439 Evening American who writes our advertising.

Q. Who is the advertising manager of WIBO? A. Mr. McPherson.

Q. Do you have a complete set of those advertisements? A. I have not; no.

Q. Have you personally made an examination of them? Have you seen them or looked at them and thought about them? A. Yes.

Q. You have followed them from time to time? A. Yes. I have observed them from time to time as they have appeared.

Q. How many times have they advertised Nelson Bond and Mortgage Company? A. The name, Nelson Bond and Mortgage Company, appears in all those display advertisements.

Q. How much of the writing refers to the business of the Nelson Bond and Mortgage Company other than radio as such? A. If I get what you mean, the only reference ever made to the Nelson Bond and Mortgage Company is in the form of that legend—"WIBO, owned and operated by Nelson Brothers Bond and Mortgage Company and affiliated with the Chicago Evening American." That is a sort of combination trademark of the station. We do not advertise them as such.

Q. Is the Chicago Evening American financially involved in the Nelson Brothers Bond and Mortgage Com-
440 pany business? A. No.

Q. Is Mr. Hearst; do you know? A. I doubt it. I do not know all of Mr. Hearst's investments, but I am absolutely sure he is not.

Q. How much does a full page ad. in the Chicago Evening American cost? A. There are two rates in the Evening American, a local rate for advertising——

Q. As to a full display page? A. (Continuing:) And another rate for national advertising. Do you mean the national advertising rate?

Q. No; just the local. A. Well, it might be a local advertisement and it might be classed as national. I think that would be classed as national. Institutional advertising is national whether it is national in scope or not. That would run approximately $1,500.

Q. A page? A. Yes. That is only an approximation. I can figure that out, 2,200 lines at 75 cents a line.

Q. How much is an hour's time on WIBO sold to you for? A. That I cannot state without referring to the rate card.

Q. Take this rate card and tell me, please. This is sold to you, not by you to the Underwriters and others. A. The Evening American-WIBO rate for the evening is $250 an hour for one time and a correspondingly lower rate for periods up to 52 weeks. $220 an hour for a 52-week
441 contract.

The afternoon rate is $150 for one time down to $135 on a 52-week contract. The morning rate, $140 per hour down to $125 on a 52-week contract.

My knowledge of WIBO rates is confined strictly to this card. I have never personally bought time over WIBO.

Q. How many full page display advertisements have you given WIBO since you made this contract with them? A. That would be a guess. A full page display like that (indicating), probably half a dozen or ten full pages.

Mr. Cook: When you say "like that", you mean the same size?

The Witness: A full page exclusively, I would not be able to answer. I suppose those run at times quite frequently, and again there are times when there is quite a lapse between them, and there will be a quarter page.

By Mrs. Willebrandt:

Q. Is the Chicago Evening American a separate corporation? A. Yes. It is owned by the Evening American Publishing Company, a Hearst subsidiary; an Illinois corporation.

Q. Referring back to this advertising, how many total hours of WIBO's time have you used since you have been

giving them this advertising? A. I do not know
442 that. We run approximately ten hours now. Ten hours a week, I think is about our schedule now.

Q. How many weeks have you been running? A. We have not run ten hours since the beginning; say 8 to 10 hours for a year, since the first of last October, from the first of October to the present date, about six months. I do not know what the total is; I am not a good enough mathematician.

Q. Referring to WGES, which is a Chicago station dividing time on 1360 kilocycles, it has time for sale, I believe? A. I assume it is a commercial station and has time for sale.

Q. Why could you not use WGES instead of WIBO? A. It has less time on the air than WIBO.

Q. You testified here to your plight if WIBO should be taken off the air. A. We might be able to use WGES, but it would be my belief that it would not be so effi-
443 ciently done as it is over WIBO.

Q. Why not?—because of interference? A. No; I don't know anything about the technical side. It is a station probably not so advantageously situated as to its position on the dial, and we have already established the position on the dial now occupied by WIBO through a long tenure of service, for the reason that KYW, at the time we had it in its latter days, also occupied approximately the wave length that WIBO is now occupying, and the audience has been for years accustomed to hearing the Evening American service over that wave length. There are a lot of Chicago stations that might be open to any kind of a service proposition, but I do not know.

Q. You say that WGES is not so well situated on the dial. You are not interested in where it is on the dial, just so it covers a certain area, so that you give service to the listeners? A. Yes, we are, because of the fact that we have been in approximately this position on the dial for a number of years with KYW before we went on WIBO.

Q. Do you know whether you could use WGES? A. I never had any negotiations with WGES.

Q. Would you want to modify your answer that you gave in direct examination relative to your plight if WIBO were taken off the air, if you made the same arrangement with WGES which you now have with WIBO? A. As I recall

my answer, I do not think I want to modify it. I think I modified it at the time.

Q. You used WBBM for a while? A. Practically
444 a year, I think.

Q. You were used to that position on the dial? A. That was the best we had at the time.

Q. Why didn't you go ahead? A. We had that only for a year, and then a year and a half with this station. You mean, to go to WBBM now? That is a Columbia chain station owned by the Columbia chain. They are not open to newspaper affiliations.

Q. Would you have to pay advertising rates if you went there? A. I doubt if any arrangement could be made with either of the chains for a newspaper affiliation. WENR would be the ideal one; but that is out of the picture.

Q. Am I right in stating that your desire to continue the programs that you are now putting out over WIBO would lead you to make a similar arrangement to what you have now with WIBO, to wit, exchanging time for advertising, but it would not lead you to buy any time? A. There is no indication that we would change our policy.

Redirect examination.

By Mr. Cook:

Q. Mrs. Willebrandt inquired as to the amount of time you used on WIBO, and you answered from 8 to 10
445 hours approximately per week. Did you mean to convey to the Examiner that you paid for all of that on commercial arrangements? A. No. That was the time that we serve WIBO with our news and market reports. That is our news service and other service over WIBO.

Q. How much time per week is used by the food period, the insurance period and the classified service period? A. Something less than an hour per week.

Q. Suppose that you did undertake to buy station time on KYW to furnish your present news and other public service, would that displace the service of KYW now otherwise employed? A. Yes; it would be apt to displace the service that is now being used at the time which we might possibly buy. The whole thing would be impracticable

from the standpoint of the policy that the two newspapers have.

Q. KYW is now using all of its public time that it can spare? A. Yes.

Q. And you would have to buy public time from them to be displaced—— A. We would have to break up some of our advertising to do it.

Q. And also displace some of their service? A. Some of the Herald and Examiner service; yes.

Q. You have had experience with three stations over a period of 8 or 10 years? A. Yes.

446 & 447 Q. Of the three services, which, to your mind, has been the most effective and useful? A. Well, we have learned a lot. I would say WIBO is more effective now than it was at the beginning. As we have gone on it has been more effective.

Q. Is it better service than you were furnished over KYW? A. Yes.

Q. It is better service than you furnished over WBBM? A. Yes; better organized and better analyzed.

Q. Is that operation with the radio station harmonious? A. Quite so.

Q. And that harmony lends to the better utility of the service? A. Yes, sir.

Q. As a public service station, such as WIBO is, and a newspaper service affiliated therewith? A. Yes, sir.

448 Recross-examination on behalf of applicant WJKS.

By Mrs. Willebrandt:

Q. Have you any Western Television display ads.? A. No.

Q. Do you carry any advertising of the Western Television Company? A. No; no display advertising that I know of.

Q. Any kind of advertising. A. We at intervals call attention to the Western Television programs, especially when they have some unusual artist like Tom Mix on W9XAO, probably once in a week or ten days.

449 Q. Do you know whether you carry any advertising of any kind whatsoever for the sale of mortgage bonds by the Nelson Bond and Mortgage Company? A.

I don't believe we do. I doubt if we have ever carried any. I do not remember.

Testimony on Behalf of Applicant WJKS (Resumed).

Ralph L. Atlass, a witness previously called and sworn on behalf of the applicant, resumed the stand and testified further as follows:

Direct examination.

By Mrs. Willebrandt:

Q. When did you say you became identified with this station? A. The purchase of 50 per cent of the stock of the station was in the latter part of March of this year, and I took over the position of General Manager of the station about the first of April.

Q. How much did you pay for it? A. $15,000 for 50 per cent of the stock of the station.

Q. Did you get a bargain, in your opinion? A. I think I did.

450 By Mrs. Willebrandt:

Q. What do you figure the station is worth? A. I think it would be easily worth three or four times that. It is very much like the condition of any stock now; it is very much deflated as to the sale price.

Q. What elements go into the purchase of stock of that kind? A. Do you mean, the value of the radio station?

Q. Yes. A. Generally speaking, there are a lot of elements that, in my opinion, go into the determination of value of any radio station. The first necessary thing for a radio station is to be able to be heard. There is a certain amount of equipment necessary to accomplish that purpose. After the production of this equipment it can be elaborated on for display purposes, for a concern that has something to accomplish in the way of institutional good will in the community other than through the radio. Various companies put out very ornate and elaborate institutions for the purpose of showing visitors through and adding to the prestige of the company that owns the radio station. Such elaboration in no way affects the ability of the radio station to render better service. The value of a

radio station, in my opinion, is usually dependent upon the community which it serves and the service which it gives to that community, with equipment necessary to put out a satisfactory signal.

451 Q. What is your responsibility or title in connection with the station? A. I am General Manager of the station and Treasurer of the company.

Q. I will ask if you have known Mr. Johnson of this station for some time? A. Yes; I have known Mr. Johnson quite a while, for more than a year, and have known of him probably for three years.

Q. When you finally bought the stock in the station and came in with a definite responsibility in the management and development of the station, what were some of the first things you have done? A. One of the first things I did was to go over carefully all the employees in the station. I also went over programs. Of course I did that before, to determine the general service that the station was giving, along with the personnel of the station.

Q. What, definitely, was your policy as manager of the station in the use of additional time if you are granted additional time? A. We wish to use the additional time to present programs of community interest, similar to those that Mr. Johnson described, to present them at various times during the day. That is, where we may have a foreign program presented now in the evening or morning or afternoon, I would like to see those programs presented possibly two or three times a week, not the same

452 programs, but the same type, in order that the community, which has a class of people who are subject to having their hours at home restricted more than those employed otherwise outside of that district, can hear these programs regardless of the time of day they are presented.

Q. Will you sell some time? A. Yes. We intend to sell sufficient time to make the station self-supporting and to improve the service as we go along. In fact, it is our purpose to sell enough time so that we could run 24 hours a day and have a 24 hour station service in the Calumet area.

Q. Do you have any present intention or purpose of hooking up with any of the chains, or developing the local policy that has been here outlined? A. We expect to de-

velop the local policy that has been outlined, and are not considering any chain connections.

Q. That is because of the particular conditions at Gary, and not because of any hostility to either N. B. C. or the Columbia? A. No hostility whatever. I feel that there is a distinct place in the radio picture for chain programs, and that there is also a place for community service.

Q. As a matter of fact, most of the people of Gary can listen to both the Columbia and N. B. C. programs most of the time during the day, can they not? A. They can.

Q. From Chicago stations? A. That is right.

Q. You said you wanted to make this actually and
453 completely a 24-hour station and give the same type of programs at periods during the 24 hours. Referring now to the various kinds of programs that are in the record, as to special features of this station will you give your plans, for instance, with respect to the "Learn to Speak English program"? What change would you make in that if you had more time? A. It should be properly presented three times a day in order that we can reach all of the people regardless of the shift they may be on, the mill workers. The program is going to be of more benefit to them than to any other people in the community, because they are unable to attend a regular school for that purpose.

Q. How about the Gary School System programs, with particular reference to the children's broadcasts? A. Those will be continued and distributed, and as a wider distribution of them is provided at different times of the day, to, if possible, arrange with the school system at different times in the week.

Q. In the limited time that you have given them on the Saturday hours at the present time, is there a considerable congestion, or not, in handling that type of feature? A. Yes; there is naturally a restriction on our ability to provide those programs all at one time. The service properly, instead of four hours at one time, would probably be more effective if there were three individual hours, or six, an hour at a time, rather than three hours.

Q. What would be the effect of classifying it and dividing it into districts with respect to the various dis-
454 tricts or sections of Gary and the Calumet region? A. In my opinion, I think the general interest in the

programs would be increased. There would be a more general desire, than there is even now, for conducting them.

Q. Mr. Atlass, how long have you been in the radio business? A. Well, since November, 1923. The first was WBBM. Before that I had been interested in it probably ten or twelve years and had the first amateur radio station, wireless, out there, at that time in Illinois.

Q. You have had a continuous contact with and participation in the radio art from 1923 up to the present time? A. Yes. We first operated a station—I might say there was no such thing as commercial radio at that time, and we had a station at that time as a matter of amusement to ourselves and the people in the community. Then I followed the development of the radio industry all the way through broadcasting and have been associated with it constantly.

Q. This experience of yours has been in and around the Chicago and nearby area? A. My first experience in radio was in the small town of Lincoln, Illinois, with radio broadcasting later in Chicago. So I feel that I can appreciate com[illegible]nity service as well as metropolitan service.

Q. Have you during the past eight to ten years made a practice of listening to various radio stations? A. I have.

Q. You listen to the Chicago stations, practically
455 all of them? A. Yes. I have been very much interested in what all the Chicago stations have been broadcasting.

Q. How about Indiana stations? A. I have listened to those regularly, those that I could hear. I might say I only hear occasionally those stations. WOWO is the only station I can hear regularly in the evening in Chicago with any satisfaction. I have listened to the stations broadcasting at Indianapolis.

Q. Your home and your family are in Chicago, are they not? A. They are.

Q. Have you listened regularly to station WJKS? A. I have tried, naturally, of late particularly, to listen to their programs at home, and it is almost impossible to hear it because of interference on that frequency.

Q. That is, of course, in Chicago? A. Yes.

Q. You live outside of their good service area, do you not? A. Assuming that their good service area should be about 40 miles, I live within it. I live rather close to the

Loop in Chicago, 3800 North. That is about four miles north of the business district.

Chief Examiner Yost: You are about 40 miles from the station at Gary?

The Witness: I would say, between 35 and 40 miles.

By Mrs. Willebrandt:

Q. Have you during the past year particularly frequently listened to WJKS within its good service
456 area as defined by the Radio Commission in the WGY case? A. Yes; I have. I have listened at Gary. Probably a week ago at Mr. Johnson's request I came out to see the station. He was interested in having me know the work he was doing at that time; and I listened to it in the evening. There was considerable interference then within a radius of five miles of the transmitter. I recently listened within three miles of the transmitter and had considerable interference on the frequency.

Q. When was that, Mr. Atlass? A. Several times within the last two or three weeks.

Q. Over what were you listening? A. A regular standard Radiola receiver, the latest type of superheterodyne.

Q. Did you listen always at one station? A. You mean, one place of receiving?

Q. Over one set, I should have said—or did you listen over various sets? A. I listened over the set which is in the studio of WJKS at Gary. When I noticed heterodyning I listened at a radio store in Gary and heard it. At home I have one set that I use regularly, and I have listened over other sets and heard interference.

Chief Examiner Yost: At what hours did you notice the most objectionable interference?

The Witness: Our schedule between 7 and 9 o'clock and between 10:30 and 11 in the evening.

By Mrs. Willebrandt:

457 Q. What type of interference? A. Heterodyning and cross talk. On several occasions I heard the call letters WFEL announced in background.

Q. How consistent was this interference? A. You mean, of the same magnitude every time I listened?

Q. Did you ever during the night time hours find a period when the reception from WJKS was clear and free of interference? A. I have listened after 12 o'clock when there was no interference; that is, midnight.

Q. Referring, now, to these exhibits, Nos. 5 to 26, and your computation which is marked Exhibit 27, will you tell me whether WIBO has any agricultural or educational broadcasts whatsoever? A. There were none specified in their license application for renewal.

Q. The amount of their religious broadcasting is what? A. 25.7 hours a month. All the rest is entertainment.

Q. Entertainment and commercial? A. 360 hours of entertainment; 25.7 hours of religious, and no agricultural or educational.

Q. You did not list the commercial? A. No; I did not list that for any station.

458 Cross-examination on behalf of Respondent WIBO.

By Mr. Boyd:

Q. Are you now connected in any way with radio station WBBM? A. I am not.

Q. At what date did you divest yourself of your interest in that station?

Mrs. Willebrandt: I object to that. It is incompetent and entirely irrelevant to this issue.

Chief Examiner Yost: I cannot see how it is material at all.

Mr. Boyd: May I state to the Examiner that Nelson Brothers Bond and Mortgage Company think it is material in this respect. We offer to prove by this witness that he owned a substantial interest, or such an interest that it amounted to a controlling interest, in radio station WBBM.

Mrs. Willebrandt: If he wants to show he has it now on the theory that it will conflict in any way with the proper service to the public in his connection with the present station, I think that would be material; but anything that goes into the past is utterly incompetent.

Mr. Boyd: I should like to make a statement of what I want to prove, before you rule on this question, Mr. Examiner.

Mrs. Willebrandt: May I say that some types of statement of what one intends to prove are improper for the record.

Chief Examiner Yost: The Examiner found in what is popularly known as the high power reports that the
459 ownership was secondary. The first consideration is service to the public. The ownership is merely incidental.

Mr. Boyd: I think I can show by this witness that it is more than incidental; and that is exactly what I want to prove if you will permit me to do so. Here is a situation that involves regional channels and all sorts of channels. WBBM occupies in the city of Chicago a clear channel. It is some 35 or 40 or 50 miles from the present situation of this station. This witness owned a substantial interest in WBBM, and he now goes across the state line and owns a controlling interest in WJKS and comes back into the city of Chicago.

Chief Examiner Yost: It may be that his doing that might better serve public interest, convenience and necessity.

Mr. Boyd: Possibly; but it seems to affect our rights as citizens of the State of Illinois.

Chief Examiner Yost: You do not claim he had no right to purchase this stock, do you?

Mr. Boyd: No. Any man has the right to spend his money in this country as he sees fit if he does not interfere with any other person's rights.

Chief Examiner Yost: The question, as the Examiner sees it, is the public interest, convenience and necessity.

Mr. Boyd: Does the Examiner rule that the original question is not material?

Chief Examiner Yost: The Examiner cannot see where it is material as to how this witness divested his ownership in WBBM. He has admitted that he owned it, and the records of the Commission show that. The Examiner has knowledge of that from this and other hearings.

460 Mr. Boyd: But you hold it is not material to the issues in this case, that the time of the severance of his relations is not material?

Chief Examiner Yost: Is not material.

By Mr. Boyd:

Q. Did you know, Mr. Atlass, at the time you purchased the interest in the Johnson-Kennedy Radio Corporation that it was operating on a frequency of 1360 kilocycles? A. I did.

Q. Did you have complete knowledge and information with respect to the interference then existing on that channel when that station was broadcasting? A. I did. It was called to my attention *to* Mr. Johnson.

Q. Before making the purchase you had determined what you believed to be the difficulties being encountered by that station in broadcasting, or, as you contend, difficulties with broadcasting on that frequency, at the time of the purchase of the stock in the Johnson-Kennedy Radio Corporation? A. You mean, was I aware that there was interference there?

Q. Yes. A. I was.

Q. Did you make the purchase of this stock prior to or subsequent, or did you conclude your negotiations to purchase prior to or subsequent to the setting of the
461 date for this hearing? A. I don't know when the hearing was set.

By Mr. Boyd:

Q. When you owned Radio Station WBBM did you not broadcast for a long period of time on a frequency substantially that now used by radio station WJKS?

Mrs. Willebrandt: I object to that as having no bearing upon the issues in this particular case.

Chief Examiner Yost: What is the purpose of the question, Mr. Boyd?

Mr. Boyd: The purpose of the question is to show that he has had experience on that frequency, using radio station WBBM, and knows something about overcoming the difficulties that might be on that frequency by actual experience with that frequency or substantially that frequency.

Chief Examiner Yost: You mean to infer that that is one of the reasons that prompted him to apply for it?

Mr. Boyd: No. I simply want to find out if he does not know, first, something about curing conditions on that

frequency, and to ask him if he has tried to cure them, if he knows what they are and how to cure them.

Chief Examiner Yost: The Examiner thinks that is proper. He may answer that.

The Witness: We broadcast on 1330 kilocycles. That is thirty kilocycles removed.

By Mr. Boyd:

Q. Thirty kilocycles removed from the present
462 assignment? A. Yes.

Q. Did you experience on that frequency, operating in the city of Chicago, a condition of interference which you were able to overcome by the use of proper engineering principles and by the correction of conditions within the station, in that operation?

463 Q. Have you had any experience with the detection of interference on the frequency upon which WBBM operated, within 30 kilocycles of the present assignment of radio station WJKS?

Mrs. Willebrandt: I object to this as being improper——

Chief Examiner Yost: Unless it is laying a foundation for something that has value.

Mr. Boyd: That is what I am trying to do. I cannot ask this witness until I find out what he knows; and I want all he knows.

The Witness: I would like to ask what you mean by detection of interference.

By Mr. Boyd:

Q. By detection of interference I mean the methods employed in determining what the interference was and the method applied in the correction of the difficulties which were encountered on the frequency that I have mentioned.

The Witness: I might state to the Examiner before answering, that I have not qualified as an expert. I have never made any observation of interference to measure the millivolts or microvolts per meter of the inter-
464 ference. The only observations I have made have been on standard receivers, and I have listened on standard receivers and I believe I have listened to radio enough to know when I hear heterodyne and when I hear

cross talk, and I know approximately the frequency of the interference. I made observations on a radio receiver.

By Mr. Boyd:

Q. As you did in this case? A. Receivers are much more sharply tuned than they were four or five years back.

Q. Did you find that in the use of 1330 kilocycles in the city of Chicago you got unusual and wide coverage on that frequency?

Mrs. Willebrandt: I object.

By Mr. Boyd:

Q. Did you find that you traveled thousands of miles effectively on that frequency? A. The effect of the operation of WBBM on that frequency at that time was that we were unable to serve effectively and consistently a radius of 10 or 15 miles about Chicago. We had excellent reception at distances varying from 800 to 1200 miles. In fact, field intensity measurements, made not by me but brought to my attention, showed we had a more consistent
465 signal in Boston, Massachusetts, measured by Dr. Greenleaf Whittier Picard who was conducting observations for Harvard University. The signal was more consistent in Boston than it was six or seven miles from our transmitter.

Chief Examiner Yost: Your station was then using a power of 25,000 watts?

The Witness: No. We originally started with 1500 watts, and the power was increased to 10,000; but even though the power was increased to 10,000, we could not approach what in this instance we are asking for Gary a community service; that is, we did not have consistent reception for 30 or 40 miles about the station.

By Mr. Boyd:

Q. What do you mean by consistent service? A. That a person may tune in any time of the day or night and be able to receive the signal without having interference——

Q. Do you mean that a station that was using a frequency of 1330 kilocycles could not be heard consistently in the city of Chicago during that period? A. We had an

advertising account of a man who was on the station for three years and never heard the station. That man was Mr. Zooker, vice-president of Stewart-Warner Corporation.

Q. What changes have you made in the foreign language broadcasts since you have been general manager of the station? A. None. I have not made any.

Q. I will ask you if you will state to the Examiner
466 exactly how a foreign program is put on the air by your radio station, stating the language used and the statements that are made, how, generally speaking, those programs differ from the entertainment standpoint from any other program broadcast in any other language. A. Mr. Johnson is better able to state that; and, if the Examiner desires, we have a program man here now to give complete information.

Q. In the first place, do you know of your own knowledge anything about that, as general manager of the station? A. I know generally that these programs are of music that appeals. There are short talks. The time is not set. The talks, before they are put on the air, are read by some one, generally an interpreter out there, to inform us as to what is in those talks, so that something will not go in that we do not know anything about.

Q. Do you put them on the air in the English language as well as the foreign language? A. That varies. Sometimes both—generally both.

Q. Usually both. There is a translation from the foreign language to the English language? A. I imagine there is substantial variation in programs. Sometimes they are announced in English; sometimes in the foreign language, or sometimes in both.

Q. Are you testifying from what you know or from what you imagine? Which is the fact? A. I have heard them in the studio broadcast the programs.

467 Q. In respect to the "Learn to speak English" program, how is that program put on the air? A. By whom?

Q. What is the name of that teacher? A. Hayes.

Q. Do you know what relation that person has with the radio station owner? A. Yes. I think Miss Hayes is related to Mr. Johnson.

Q. I will ask you how Miss Hayes proceeds to teach the English language over the radio; how much time she devotes to that activity. A. The program, as I recall, is not less than 15 minutes in the evenings, throughout the week. I do not believe it is put on on Sunday; and the method is the same, so I am informed, as used in the Gary schools.

Q. How does she go about it? A. I don't believe I can answer that.

468 Q. How many English words or how much English can be taught to a non-English-speaking person in 15 minutes a day? A. I am not familiar with that.

Q. You have studied foreign languages yourself, of course? A. I have.

Q. Have you any idea what knowledge of English might come to a person listening to Miss Hayes on the air? A. It would depend upon their ability to absorb the teaching, in my opinion.

Q. You do not know how much of the language is absorbed by any listener to the station? A. I have observed students studying foreign languages who could not remember six words a day, and others, possibly 200.

Q. How do listeners ask for instruction, or how does a listener, listening to Miss Hayes' program, make inquiries of her regarding anything that he may have misunderstood or failed to understand?

Mrs. Willebrandt: I object to that.

Chief Examiner Yost: He may answer it if he knows.

Mrs. Willebrandt: It is so manifestly argumentative; and the witness cannot reproduce a foreign language program.

By Mr. Boyd:

Q. How many languages, besides English, does Miss Hayes speak? How many of the sixty odd that are commonly spoken within the Gary region does she speak fluently enough to give to the listener a knowledge of the English language while instructing in English over

469 the air? A. I don't know.

Q. Do you know whether or not she speaks any other language? A. I do not.

Q. You spoke of the good service area of radio station WJKS. What do you consider is the good service area of WJKS to be expected. A. I have certain figures set down in the WGY case. From listening to various stations around the country, I think the figures are about what is normally to be expected. In this case it is 35 to 45 miles, I believe. I think that is what Mr. Ring testified was the area to be expected.

By Mr. Cook:

Q. You heard Mr. Johnson testify? A. I did.

Q. You heard him say that he went to Gary and engaged in business undertakings there and that his operation of this radio station was in return for their kindliness to him? A. That was part of his testimony.

Q. Are you of the same mind toward Gary? A. I feel that any radio station, to be operated in the public interest, convenience and necessity, ought first to serve the community. A station may have a clear channel service,
470 which takes it out of the community classification. Then there is a place for community stations which should put on programs that are of particular interest and importance to the people within about 30 or 35 or 40 miles of the station.

Q. And it is your purpose to continue the type of program he has conducted in Gary? A. It is; and I might state further that we expect to sell advertising and that we expect to develop this station into a 24 hour station, and that some of the advertising will be used to develop the station further than it now is.

Q. As he has used it in the past? A. I hope to be more successful in securing advertising for it.

Q. The town of Gary is a steel mill town; that is its chief industry? A. Yes.

Q. And the mills run on three shifts? A. Yes; so I am informed.

Q. Do the schools run on three shifts? A. Not to my knowledge.

Q. Do the housewives and others not in the steel mills conduct their life on three shifts? A. I imagine that the conduct of their life according to the hours is quite different from a community such as Chicago.

Q. But the schools do not run on three shifts? A. No.

Q. But you are tripling your service, if you have
471 24 hours of time, and will not reach the school? A. What do you mean, it will not reach the schools?

Q. The children will be at their schools on a regular normal one-shift basis during the daytime. A. The school children will, of course; but the people who are not attending school, and the ones we can probably do the most good for, will be reached.

Q. The steel puddler's wife works on the same shift as her husband? A. I imagine household affairs have to be adjusted to the working hours of the man of the house.

Q. You think a 24-hour service is of vast importance to the housewives, the school children and business men of the town? A. It might, to some of them, yes.

Q. They don't hear programs on receiving sets in the steel mills, do they? I am serious. Take the shift from 12 midnight to 8 a. m.: there is no use for radio service in the steel mills, is there? They do not listen to the radio while they are puddling steel? A. No; but after they come off the shift at 12 o'clock, or 4 o'clock in the morning it would be distinctly to their advantage to have a radio program.

Q. Do you know from your sociological experience that a man stays up three or four hours in the middle of the night to entertain himself during the dark hours of the night, or does he go to sleep? A. I think it is safe to assume that when a man comes off from work and has certain hours for relaxation, he certainly will stay up some
472 of them.

Q. And you mean to accommodate your service, if possible, to those individuals who wish to stay up all night after working in a steel mill for eight hours? A. Yes.

Q. That applies only to steel mill workers? A. Everything about Gary and Hammond and Laporte, throughout the steel district, is more or less dependent upon the steel mills.

Q. Do grocery stores stay open 24 hours? A. Not to my knowledge.

Q. Do garages stay open except for ordinary night service, on account of the pressure of business, in each eight-hour shift? A. I think it would be an influence; yes.

By Mr. Cook:

Q. You said you meant to continue the type of programs for 24 hours if you could get full time. You said you meant to extend the existing service as testified to by Mr. Johnson, so that it would cover 24 hours. A. That is
473 right.

Q. And whereas it is only going for eight hours now, you will just proceed with the following two periods with the same type of programs? A. Yes.

Q. Is it your purpose to charge for the foreign language hours or periods? A. A strictly educational program should be presented without charge.

Q. Are you aware that the Polish program has been paid for in the past and is being paid for? A. I am not aware of any Polish programs being paid for.

Q. You are not aware that one has been paid for in the past? A. I am not familiar with every program that has been broadcast over the station.

Q. How about the Irish program? A. We may sell programs with types of music, whether it is Irish, or Bohemian or Polish or what not, the same as WIBO or WBBM or WMAQ.

Q. Are you aware that the Irish program has been paid for? A. I am not.

Q. If it had been paid for, or the Polish program had been paid for, or some other foreign language program had been paid for in the past, would you assent to the statement that Mr. Johnson made that that was public service to the town of Gary? A. Certainly a program can be
474 public service and still be a sponsored program.

Q. Have you consulted with any of the advertisers on WJKS as to their satisfaction with the advertising service? A. Those that are now using the station?

Q. And have used it in the past. Have you consulted with any of them? A. No; I have not.

Q. Did you study the radio station in order to make up your mind before you purchased stock, by ascertaining the satisfaction of advertisers with the station? A. I ascertained the type of programs that were being broadcast by the station, and the standing of the station in the community.

Q. Did you hear that any of the advertisers said they were not satisfied with the programs that had been used?

The Witness: No; I did not hear that. I will elaborate on that to say that there was a Mr. Edelson employed there, whom I have known by reputation and personally over a period of years, and I would not care to have that man in my employ.

475 By Mr. Cook:

Q. Are you familiar with the ratio of income from advertising of this station over a period of two or three years? A. What do you mean by "ratio"?

Q. Has it increased or declined? Has is been increasing? A. I cannot answer that.

Q. You do not know? A. No.

Q. You did not go back over the financial experience of the station before you made up your mind to purchase? A. I was not interested in that. What some one else was able to do had no bearing on what I could do.

Q. Past earnings did not concern you? A. Not a bit.

476 By Mr. Cook:

Q. Is it not a fact that a radio advertiser looks to the popularity of a station? A. I would say that is one of the factors.

Q. The number of listeners? A. That is one of the factors.

Q. Is it not the main factor? A. No, not in selling.

Q. What is the factor that excels that in importance in the advertiser's mind? What is the superior factor? A. Assuming that a station has an established audience, which we cannot say—we cannot say there are ten listeners or ten thousand or ten million listeners. We are, of course, able to say that there are a certain number of receiving sets in the community. Field test measurements can be made to determine whether or not the station is providing signals that will be satisfactory to that community. As far as circulation goes, one station can on such a basis show a circulation as great as that of what you may think or the Examiner may think or any one may think is the most popular station in the community or in the
477 service area. I would say, first off, that the results of radio advertising over a station depend largely on how the account is handled, the same as with regard to

a newspaper. That is, you may advertise in the newspaper with the largest circulation of any in the city and yet not get the results that you would get with proper copy, proper handling, in one of the papers of smaller circulation in the city.

By Mr. Cook:

Q. Are you aware of the patronage of this station in the past by local merchants of Gary? A. I am not
478 familiar with it; no.

Q. You know nothing of its advertising patronage in the past? A. The information I have was obtained from Mr. Johnson who said it was well patronized in Gary and it had been developed as far as he cared to develop it.

By Mr. Cook:

Q. Did he give you the figures? A. No; I did not ask for the figures.

Q. Do you approve, as the general manager of the station, of installing new transmission apparatus? A. Yes. I think it would be very well to install a new transmitting apparatus.

Q. Why? A. In order that we may have duplicate transmitters and be certain of maintaining a 24-hour schedule.

Q. You have examined that plant? A. Yes.

Q. Is it in a fire-proof building? A. I could not answer that. I am not qualified.

Q. As a matter of fact, you know it is in a frame building, do you not? A. A wooden building; yes.

479 Q. Which apparatus are you going to use as the main apparatus, with the other in reserve? A. The new apparatus, of course.

Q. Why? A. I think there will always be improvements in transmitters, and a transmitter made by the same company next month will probably be an improvement over one made two months ago.

Q. You expect to get better service out of this new apparatus? A. Probably more economical and consistent operation.

Q. I hand you the application of radio station WJKS received at the Department of Commerce on December 30, 1930, and ask you if attached to that application there is

a statement of programs? A. There is a statement of programs.

Q. I will ask you whether your station is broadcasting ship news, the arrival and departure of vessels at the city of Gary. Do you know? A. I understand that is a regular broadcast. I have not heard it broadcast.

480 By Mr. Cook:

Q. Did you, in your examination of this station, examine the log of the past performance? A. Not in detail.

Q. Was there a log? A. I asked Mr. Johnson if there was, and he showed me a log which appeared to be in perfect order.

Q. Are you aware whether or not they advertised programs that they did not attempt to adhere to? A. I am not aware of any such thing.

481 Q. Are you aware that they ever ran that station without a licensed operator? A. I am not. Before I purchased the station I called the radio supervisor and asked if there were any charges of any kind standing against the station, and he said there were not.

Q. That is not the question I asked you. Are you aware that they would run that station on occasion in the absence of their operator with an operator who was not licensed? A. I am not aware of it.

Cross-examination on behalf of respondent WPCC.

By Mr. Clifford:

Q. Mr. Atlass, you have testified that you have been engaged in the radio business since 1923? A. That is right. I would like to qualify that. Not in the radio business; I have been engaged in broadcasting.

Q. And that you are familiar with the broadcast radio business in the country districts as well as in the metropolitan districts? A. Yes.

Q. And that you have built up various stations and have sold those stations? A. I did not testify to that effect.

Q. Is it true that you have sold some of the stations that you have developed, broadcasting stations? A. A

482 station, not stations.

Q. You also testified that you purchased a one half

interest in this station at Gary? A. That is right.

483 Q. Would or would not the value of Station WJKS be enhanced if this application is granted? A. The grant of the application will not enhance the value of it. If we are able to use the facilities granted in such a way that we would increase, I might say, public acceptance and greater responsiveness to the station, it would be increased by that use of it.

Chief Examiner Yost: The Examiner was going to suggest that it is generally recognized that the 560 frequency is more desirable than the 1360 frequency; is not that true?

484 The Witness: It is true in certain communities. If I were operating a station out on the prairie somewhere and there was no extensive population within 25 or 30 miles of the station, I would want to depend upon listeners at a distance of several hundred miles or more, and I think that a higher frequency would be more desirable, in my opinion.

By Mr. Clifford:

Q. That is, 560? A. No; 1360.

Chief Examiner Yost: But you do regard the 560 frequency more desirable for Gary than 1360?

The Witness: Yes. I think that frequency would be more effective in that area.

Mrs. Willebrandt: At this time, Mr. Examiner, I would like to offer in evidence depositions taken pursuant to the Commission's order; and although these depositions are bound together here, and were when they were sent in, and I feel that I am not at liberty to unbind them, there are three that I do not offer and do not think properly belong, because the names do not properly correspond to the names on the order of taking.

Mr. Newman: Do you mean that they were not requested with the order, Mrs. Willebrandt?

Mrs. Willebrandt: Yes. Therefore I would introduce the depositions as bound and ask the Examiner to disregard and exclude Clyde Hunter, Arnold R. Fox and

485 Charles Elmer Hawkins. Otherwise the depositions correspond exactly with the list.

Mr. Cook: May I ask what the nature of these depositions is?

Mrs. Willebrandt: The three that I am asking to have excluded are the depositions of Clyde Hunter, Arnold R. Fox and Charles Elmer Hawkins. Those three names did not appear on the order of taking.

Chief Examiner Yost: They will be excluded from the testimony.

Mr. Cook: I am asking counsel what the general substance of the depositions that are to be offered, is. What are they about?

Mrs. Willebrandt: The substance of these depositions—each is very brief——

Mr. Cook: What is it, in a general way? What is shown?

Mrs. Willebrandt: For instance, John A. Costello, the first name down, is a Catholic priest who broadcasts over this station and serves definitely a group of communicants, or parishioners, I guess I should say; and he states that he uses the facilities of this station and depends upon them, regards them highly, and pays nothing for the time.

Mr. Cook: And I assume others are commendations of the station?

Mrs. Willebrandt: Yes. There are ministers of protestant denominations; there are representatives of civic organizations——

486 Chief Examiner Yost: These depositions were taken pursuant to authority given by the Federal Radio Commission with proper notice to the respondents. Were they represented by attorneys?

Mr. Cook: No; and if your Honor please, we are compelled to make an objection to the receipt of the depositions.

Chief Examiner Yost: Upon what ground?

Mr. Cook: Upon the ground that the notice that the respondent Nelson Brothers Bond and Mortgage Company received was received by them on April 20, 1931, at 2:30 p. m., and the notice was to take depositions on April 20, 1931, at 1 p. m. We had no notice in time to be at the place of the taking of the depositions——

Chief Examiner Yost: The same day?

Mr. Cook: Yes—and were not served in season to be present and to cross examine the deponents. The deposi-

tions were to be returned to the Commission not later than April 22, 1931, at 10 a. m.

Chief Examiner Yost: The Examiner is of the opinion that the depositions are not properly admissible unless the notice was received by Nelson Brothers in time to present their appearance at the taking of the depositions.

Mrs. Willebrandt: The notice was mailed by the Radio Commission.

Chief Examiner Yost: Does the date of the request for the taking of depositions appear?

Mrs. Willebrandt: Yes. Application was made on the 15th and granted on the 17th, and the notices were mailed out by the Radio Commission.

487 Mr. Cook: To make it clear, the notice was posted on the 18th of April, which was Saturday. There was Sunday intervening, and it was received on April 20 by the respondent, and the hour of the receipt was 2:30 p. m., according to our memorandum. The notice to take the deposition cited Monday, April 20, 1931, at 1 p. m., as the hour for commencing to take them, and we were not present and were unable to be present and were not represented in the taking of the depositions.

Chief Examiner Yost: In the Examiner's opinion there ought to be testimony to establish the time of receipt of that notice. Have you somebody qualified to testify to that?

Mr. Cook: I will introduce Mr. Alvin Nelson.

Testimony on Behalf of Respondent WIBO.

Alvin Nelson was called as a witness for and on behalf of respondent WIBO and, being first duly sworn, testified as follows:

Direct examination.

By Mr. Cook:

Q. What is your relationship to Station WIBO, Nelson Brothers Bond and Mortgage Company? A. President.

Q. I hand you a paper. Have you seen this before? A. Yes, sir.

Q. That is the notice of taking depositions at Gary, Indiana, at 1 p. m., April 20, 1931? A. Yes.

Q. By examination of this paper can you advise
488 as to when it was received at your office, received by you? A. Received by us at 2:30 p. m. on April 20.

Mrs. Willebrandt: Just a minute. Have you asked him whether he received it?

The Witness: I received it. It was directed to me. Any matters from Washington are referred immediately to my attention.

By Mr. Cook:

Q. Did you receive it as promptly as possible in the course of your business arrangements in the office? A. Yes, absolutely.

Q. And you took immediate action in what way? A. I called Mr. Boyd.

Q. Mr. John Boyd, your counsel? A. Yes, sir. He said there was no way we could get to Gary. I could not have made it if it had come in earlier in the day. Gary is 40 miles from our office.

Q. Across the city of Chicago? A. Yes.

By Chief Examiner Yost:

Q. Was it received in the first mail on Monday morning in your office? A. No, sir.

Q. Are you certain it was not included in the first delivery of mail? A. I cannot say as to that, Mr. Examiner.

By Mr. Cook:

Q. Is this the envelope in which the paper arrived? A. Yes. This is the only one I received.

489 Mrs. Willebrandt: That is a carbon from my office.

The Witness: Unless it came in later. This is the only one we had when I left Chicago.

By Mr. Cook:

Q. This postmark shows it was posted in Washington, according to the stamp, April 18, 3:30 p. m., 1931. The Chicago receipt mark is not present. What is the fact. Were you able to attend in time, under that notice? A. No, sir. We could not possibly attend.

Q. You communicated with your counsel, Mr. Boyd, upon its receipt? A. Yes.

Q. Mr. John Boyd is your counsel, is he not? A. Yes.

By Mrs. Willebrandt:

Q. What time did you telephone Mr. Boyd? A. Immediately on receipt of it.

Q. Was it a long distance telephone call? A. It may have been; I don't remember. He might have been in Washington or at his home.

Q. You do not know where he was? A. No——

Mr. Cook: Mr. Boyd, counsel for Mr. Nelson's company, was at the Willard in Washington and received word there.

By Mrs. Willebrandt:

Q. And did you notice the date of the taking of the deposition? A. Which date?

Q. Immediately upon its receipt. A. I immedi-
490 ately read it and called Mr. Boyd. I did not understand exactly just what it was, and so I called him. He said, "You could not make Gary now, anyway." I said "No; it would be impossible to."

Mr. Boyd: He called me on long distance telephone, I think, about 3 o'clock in the afternoon on Monday, and I asked him to read the notice to me. That was the first information I had had concerning the matter. Realizing that the notice had arrived late, I gave it no further consideration.

Chief Examiner Yost: It would seem that it should have been delivered in the first mail on Monday morning, leaving here the Saturday previously.

Mr. Cook: I think it should; but the fact in the case is that we all know there are delays in mail. A notice the evening before that would have been, under any circumstances, the scantiest possible time to reach a distant point on a deposition taking. It would be scant time even in the very city in which the deposition taking was to be held.

Chief Examiner Yost: It was a very short notice.

The Witness: It would have been a matter of minutes.

Chief Examiner Yost: Was a notice also mailed to Station WPCC?

Mr. Clifford: Yes; I have a copy of it, but I do not know when it was received. My client is not here.

Mr. Cook: There is a further possible objection, ample as the first one is. Under the order for the taking of these depositions it was required by the Commission that the depositions taken should be transcribed and executed
491 in the usual manner and should be filed with the Commission at its office in Washington, D. C. not later than April 22, 1931, at 10 a. m. Therefore, if these *were* depositions were taken according to the order, at 1 o'clock, this mass of matter transcribed and put into the mail on the Capital Limited could not have arrived in Washington earlier than the following day, which was the 22nd, the depositions having been taken on the afternoon of the 21st. While there is no stamp of the time of the depositions, they were received here April 22, 1931, at the Legal Division, and a stamp to the effect that they were received from James W. Baldwin, secretary.

I think it can be taken notice of that mail arriving on the Capital Limited at 9 o'clock cannot be distributed and that part come here by 10 o'clock. That is not the first morning mail.

Chief Examiner Yost: The Examiner does not regard that as anything like as important as the other.

Mr. Cook: It is not. It is an additional reason, however, why the order of taking has not been complied with.

Chief Examiner Yost: It seems to me to be a matter of proof.

Mr. Smith: I personally delivered them to Mr. Reynolds. It was before 9:30 in the morning.

Chief Examiner Yost: That would be a substantial compliance. But the fact that respondents did not receive the notice in time to attend the hearing is important. Perhaps the taking of the depositions had started before you received it?

492 The Witness: Yes. They started at 1 o'clock.

Mrs. Willebrandt: We can only presume that mails will take their ordinary course. A delivery of this notice the first thing in the morning, unless there was delay in the office of Mr. Nelson, would have made the notification reach him before 11 in the morning. That would have been ample time to communicate with the examining officer, the officer named in the order of the Commission as the officer to take

the depositions, and ask for a reasonable continuance. It would have been granted, or, if not granted, would have laid a proper premise for objection to the depositions. Nothing like that was done.

The delay that may have been occasioned before the matter reached Mr. Nelson's desk, when the Commission's own order was not issued until the 17th, is a delay that he must take the responsibility for, and I believe the Examiner should not excuse them from that.

Chief Examiner Yost: The depositions may be marked for identification. It is now time to adjourn.

(Two copies of depositions referred to were marked by the reporter for identification Applicant's Exhibit No. 28.)

Mrs. Willebrandt: I offer as additional proof, rebutting the inference—it is only an inference—that the mail did not reach Mr. Nelson's office until too late, the fact that exactly the same notice did reach other Chicago addressees early in the morning.

Chief Examiner Yost: Further consideration will be given the matter tomorrow morning upon reconvening, and further testimony will be taken to determine the
493-496 mission or rejection of the depositions.

Mr. Cook: Will you keep in mind the fact that it was impossible to get there, and that we were not represented?

Chief Examiner Yost: Of course if they had notice and did not appear, that would be their option, if they did not want to appear.

Mr. Cook: But the fact is that we were not represented, and the fact also is that by the acutest of diligence we could not have reached the place of the taking of depositions in time.

Chief Examiner Yost: The Examiner will consider all that.

497 Mrs. Willebrandt: At this time I would like to suggest, in consideration of the matter which is pending before the Examiner for decision concerning the sufficiency of the notice upon which the depositions were taken, that the Examiner take judicial notice of the fact, which I am perfectly willing to prove if the Examiner does not deem it propor to take judicial notice of this fact, and that is that

all mail that reaches Gary goes to Chicago first and
498 is shuttled back to Gary. I can bring a witness from the Post Office Department to prove that fact. It is one of those matters of Government routine which I do not know whether the Examiner could take judicial notice of or not, or whether the other side are willing to stipulate to or desire proof upon. I think it is material for the Examiner to have that fact before him in determining the sufficiency of the notice, because I do offer to the Examiner proof of the fact that the notice to take these depositions reached Gary at 9 o'clock Monday morning by ordinary mail.

Mr. Newman: Was that particular notice mailed by the Commission?

Mrs. Willebrandt: Yes, and so also was the carbon mailed out. I am not sure whether you are referring to the carbon which was mailed from my office or the one which was mailed by the Commission.

Mr. Newman: The notice to the respondent was mailed by your office, was it not?

Mrs. Willebrandt: We mailed carbons. I do not know whether the Commission mails out carbons or not; but we mailed carbons to all parties immediately.

Chief Examiner Yost: In the absence of a stipulation or agreement by counsel for all parties to the hearing the Examiner would rule that the proof would be necessary.

Mr. Boyd: So far as the handling of the mail is con-
cerned, it does not make any difference to us. There
499 has been an absolute failure of notice. That is what we are concerned about. The fact is we did not get the notice, and that is all we are concerned about. Whether there was a delay in the mails, the fact that they had to bring mail back to Gary, or whether they threw it off B. & O. No. 5—if it had been thrown off No. 5 it would have been delivered earlier in the morning; if it was handled on a later train, of course it would not be. But the proof of the handling of a particular letter does not seem of any concern here.

Mrs. Willebrandt: Then I will give the Examiner all the proof we have with respect to the matter, if that becomes a legal matter based upon such proof as we are able to give the Examiner to weigh as a court of equity would be obliged to do, as to the sufficiency of this notice.

I maintain that the notice is sufficient upon the proof which we proffer and which we can give as against the testimony which has here been given by the respondent in the case, that the stamp in his office shows it was received in the afternoon and that it did not reach his desk until afternoon.

As against that, the proof which we have is that the notice was mailed from Washington on Friday evening. The Examiner will take judicial knowledge of the fact that it would, under normal conditions, reach Chicago on Sunday; and then that there was a delivery of a similar notice on the 9 o'clock mail which had to be shuffled back to Gary; that there was a receipt of this notice early Monday morning, the first mail on Monday morning, by others who had their notices mailed out at exactly the same time.

Chief Examiner Yost: If testimony can be introduced here to establish the exact hour of delivery of this notice to the Nelson Brothers office in Chicago, that would be very material. But that has not been proved. Mr. Nelson, as the Examiner recalls, stated he did not know when it reached the office, that it did not reach his desk until 2:30, I believe, Monday afternoon. The Examiner will hold that if the notice was delivered to the office, that would be sufficient; but in the absence of proof, it is seen that the question for the Examiner to determine is somewhat difficult.

Mrs. Willebrandt: There is no proof, in the absence of its having been sent by registered mail, of the exact hour of delivery. It then becomes necessary for the Examiner to weigh reasonable probabilities or circumstantial evidence as against the fact that it did not reach Mr. Nelson's desk, according to his testimony, until the afternoon. But since that is a nice question to weigh and its runs close—it is a marginal question—I believe that it may be helpful to the Examiner to get all of the facts into the record concerning the delivery of this notice.

Chief Examiner Yost: The Examiner is clearly of the opinion that the notice should have been delivered on the first delivery in Chicago Monday morning; but it is possible that it was not. In the absence of proof, how is the Examiner to determine the question?

Mrs. Willebrandt: There is a long line of cases where courts have decided upon reasonable probabilities and invoked that well known rule that the ordinary course, as

well established by public business as the delivery of the mails, will take its usual course. It would be pos-
501 sible to give considerably more proof on that feature in the record that would be helpful to the Examiner.

Mr. Newman: Mrs. Willebrandt, with respect to the date you received the Radio Commission notice that your case was set down for hearing, when did you apply for permission to take these depositions? How many days after the receiving of the notice?

Mrs. Willebrandt: It was very close. We will give you that exactly.

Mr. Newman: The notice of hearing was sent March 25, 1931. The case was set for April 23, 1931. Is that the date this was originally set for?

Mrs. Willebrandt: Yes.

Mr. Newman: Maybe these depositions were not asked for in seasonable time. We know there was some delay in getting them through the Commission.

Mrs. Willebrandt: May I ask to have the notice, with the stamp which Mr. Nelson has testified was attached to it, in the record?

Chief Examiner Yost: It may go into the record.

(An order to take depositions, dated April 17, 1931, was thereupon marked "Docket 1156, Applicant Exhibit No. 29", and is filed with the record in possession of the Commission.)

Mrs. Willebrandt: And may it be noted that the stamp affixed by Mr. Nelson's own office is one of those usual office stamps pointing to the hour between 8 and 9 a. m. on the 20th of this month.

Chief Examiner Yost: Is Mr. Nelson qualified to state when this letter was received at the office?

502 Mr. Boyd: He has already stated it was received in the office and brought to his desk at 2:30.

Chief Examiner Yost: The Examiner understands that Mr. Nelson testified that it reached him at 2:30. Is he qualified to state when it was actually delivered to the office? If so, how did he obtain that knowledge?

Mr. Nelson: I cannot testify as to the exact time delivery was made, only that any mail from Washington,

from the Federal Radio Commission or from Mrs. Willebrandt, is delivered at once.

Chief Examiner Yost: You mean, that is your instruction?

Mr. Nelson: Yes. This letter was mailed on the 18th, which was Saturday, at 3:30 in the afternoon. That may or may not have been delivered on the first mail Monday morning. Furthermore, it would have given us about two hours to get down to Gary.

Chief Examiner Yost: It is very apparent that the time was very much limited.

Mr. Nelson: We should have had at least a day.

Mrs. Willebrandt: The slightest request for a day would have been granted.

Mr. Nelson: It could not have been. The case was to be heard on the 23rd.

Mrs. Willebrandt: It was, however, then known to be a postponed date. We would have joined you in asking for a postponement.

I would like to put Mr. Smith on the stand to testify exactly to this matter.

503 **W. M. Smith** was called as a witness for and on behalf of applicant WJKS and, having been duly sworn, testified as follows:

Direct examination.

By Mrs. Willebrandt:

Q. Did you receive from the Federal Radio Commission an order to take depositions in this case? A. I did not receive the order itself. I received a telephone message from the secretary's office on the 17th to the effect that the order had been signed.

Q. What did you do immediately? A. I immediately instructed the stenographer in the office to prepare for me sufficient copies to go to everybody notified as party respondents in the case set for the 23rd.

Q. Were those copies so prepared? A. They were.

Q. And what did you do with the copies after they were prepared? A. I took them around to the branch post office

on 14th Street; I think it is 708 14th Street, Northwest, and I deposited them in the mail on the 18th around noon.

Chief Examiner Yost: Saturday, the 18th of April?
The Witness: Yes, sir.

504 By Mrs. Willebrandt:

Q. Did you make application to the Radio Commission for the granting of the petition to take depositions in this case? A. I did.

Q. When was that application filed with the Commission? A. It was prepared under date of the 15th. It was delivered personally on the evening of the 15th, and, I believe, it actually reached the Radio Commission at 9 o'clock the 16th.

Q. The Commission granted the petition to take depositions on the 17th and you received your notification that they had granted the request to take the depositions, in the afternoon of the 17th? A. That is correct.

Q. How late in the afternoon? A. I should say, between 3 and 3:30. That is my best recollection.

505 Cross-examination on behalf of respondent WIBO.

By Mr. Boyd:

Q. Did you then take the notice to Gary? Did you go to Gary yourself? A. I did not.

Q. Did you receive the depositions back in the mail? A. No; I received them from the hands of Mr. Johnson who came from Gary.

Q. They were not put in the post office and mailed back as usual? A. No; they were delivered by hand. I do not know what the usual practice is. The order called for delivery not later than 10 o'clock on, I think, the 22nd.

Q. But you received the depositions from Mr. Johnson? A. Yes.

Q. And, in turn, took them to the office of the secretary? A. Delivered them into the hands of Mr. Reynolds, the assistant secretary.

Q. About what time? A. About 10 o'clock.

Mrs. Willebrandt: Before ten?
The Witness: No; I don't know whether it was before—it was either a little before or a little after. It was close

to 10, as I recall, because that was the day the case was called, and before coming in here to answer Ready, with Mrs. Willebrandt, I stopped by the secretary's office with Mr. Atlass.

Mr. Newman: Who knows when the taking of
506 depositions actually began?

The Witness: Mr. Johnson was present there.

Mrs. Willebrandt: The notary's return shows that. The taking of the depositions began at the office of the notary on Monday, April 20, 1931, at 1 o'clock p. m., and adjourned to another room which was more convenient for the notary and the witnesses called to testify.

Thomas J. Johnson, a witness previously called and sworn on behalf of the applicant, was recalled and testified further as follows:

Direct examination.

By Mrs. Willebrandt:

Q. Were you present at the taking of the depositions that have been offered in this case? A. I was.

Q. Where did you meet for the taking of these depositions? A. At Mr. Menczynski's office, and then we adjourned to this other room at eight hundred and something Broadway.

Q. What time did the actual taking of the depositions begin? A. At 2:30 or quarter to 3, and they continued until along about 9:30.

Chief Examiner Yost: The same day?

The Witness: Yes.

507 By Mrs. Willebrandt:

Q. Were you present during the entire taking of the depositions? A. Yes.

Q. Was there any request, informal or otherwise, by telephone or by messenger, for any continuance or interruption of the taking of the depositions to accommodate the respondents in this case? A. There was no request made.

Q. That is, that came to your attention? A. That came to my attention; and during the taking of the depositions there was a 'phone right in the room, and the Commis-

sioner so appointed 'phoned to his office several times and said that if there were any messages to relay them to this room.

Cross-examination on behalf of the Commission.

By Mr Newman:

Q. You say the place of taking the depositions was accessible by telephone? A. Yes.

Q. In other words, was this notary named in the 'phone book? A. His name is in the 'phone book and he is very well known, as he is the vice-president of the Safety Board in Gary.

Q. If some one called the number which appears after his name in the book would that 'phone have rung
508 in the place where the testimony was being taken, in the first room? A. In the first room; yes. His office was not large enough to accommodate the people.

Chief Examiner Yost: The Examiner understands that there is no disagreement as to that phase of the question. They admit they made no attempt. They had no notice, is their claim?

Mr. Boyd: That is right.

The Witness: I might say that I saw the notice that the Commissioner received. He had the notice. I was at his office along about 10 o'clock, and he had that notice. All mail for Gary sent from Washington for Gary comes through Chicago. It has first got to be delivered at the Chicago office, and then comes from Chicago to Gary.

Cross-examination on behalf of respondent WIBO.

By Mr. Boyd:

Q. Did you take any depositions at the place stated in the notice? Did you take any testimony at that place? A. Several of the witnesses were sworn there.

Q. Did you take any testimony there, I said. A. Probably their names, or something.

Q. Did you take any testimony at the point named in the notice? A. There was no actual testimony taken; no, sir.

Mrs. Willebrandt: I may state that if there is the slightest question raised as to that, that it is the right of
509 a person who is named in a commission to take testimony to adjourn, after having called the meeting in the room designated, to a nearby and more convenient room.

Chief Examiner Yost: That is not material, in the Examiner's opinion. It is wholly a question of notice.

Mr. Cook: Were the depositions signed? There are no signatures on these depositions. There is a signature by the notary public, but I did not find, in examining this last night, that there are any signatures to the depositions by the deponents. You see, it is blank (indicating). I do not find the signature of a single deponent in the whole thing; and I have never heard of a deposition that was not signed.

Mr. Newman: At that rate, the Commission will enter an objection to these depositions, Mr. Examiner.

Chief Examiner Yost: The Examiner will hear at this time any further testimony to be offered with reference to the depositions, and will reserve any ruling until later, at which time he will determine what, if any, consideration is to be given to the depositions or whether or not they shall be submitted for such consideration as the Commission desires to give them.

Mrs. Willebrandt: May I enter this motion? Under the rules of the Radio Commission, as well as, of course, the supporting rules of equity that prevail in cases of this kind, the Examiner has the authority to ask for additional testimony; and should the ruling of the Examiner be against the introduction of these depositions, may the same order to take, at a time entirely convenient to the respondents
510 here, of which they notify the Examiner and then notify us by telephone, without any formality, be issued, with the ruling by the Examiner to allow them to be filed in due course and be entered as part of the record?

Chief Examiner Yost: It is entirely agreeable to the Examiner that any depositions taken by authority hereafter granted by the Commission be admitted at a later date.

Mrs. Willebrandt: Then the Examiner holds that the Examiner has not the authority to ask for the taking of these depositions?

Chief Examiner Yost: The Examiner was not passing upon that question necessarily, presuming that the applicant would again request authority for the taking of such depositions, which the Examiner is perfectly willing to admit at a later date and have go into the files of the case when they are taken, properly certified, after notice to other parties.

Mrs. Willebrandt: The point I am pursuing is this, and I will ask for one further statement from the Examiner so that the record will be clear and there will be no misunderstanding on our part.

I believe these depositions may be properly received by the Examiner under the proffer here made. If the Examiner rules otherwise—he has not yet announced his ruling—I am asking to reserve the right, then, to have this motion which I here make contingent upon that ruling entertained and acted upon by the Examiner to take the same depositions at a time far enough in the future so that there can be no question about notice.

511 Chief Examiner Yost: The Examiner would be pleased to have the uncertainty as to the admissibility of the depositions removed, and therefore would request that the attorney for the applicant seek authority from the Federal Radio Commission to take the depositions at some later date.

Mrs. Willebrandt: And they will be admitted?

Chief Examiner Yost: And they will be admitted.

Mrs. Willebrandt: As a part of this record?

Chief Examiner Yost: As a part of this record.

Mr. Newman: Provided the Commission grants the authority.

Mrs. Willebrandt: Then the Examiner rules that he has not the authority to order the taking at this time?

Chief Examiner Yost: The Examiner doubts somewhat his authority, and inasmuch as it does not seem to be necessary for him to act, since the Commission is available for such matters, he prefers that request be made of the Commission, as has been the usual custom.

Mrs. Willebrandt: Will you indicate a date satisfactory to you, Mr. Boyd? If the depositions are not in evidence we may change the order of the names and substitute names for those which were improperly included. In two instances the parties did not realize the formality of the pro-

ceedings and sent their office assistants. I will indicate those names to you.

Mr. Clifford: You indicated them to us yesterday, I believe.

Mr. Cook: Do I understand that you have withdrawn the proffer?

512 Mrs. Willebrandt: No, I have not. I am asking for a proper date. I am going to safeguard my record by making application, contingent upon the Examiner ruling it out, after picking out a date that satisfies you.

Mr. Cook: Mr. Boyd is not certain of his calendar. He has got to look at his calendar. We could agree inside of 24 hours on a date, I suppose?

Mr. Boyd: I think so.

Mr. Cook: Furthermore, there may be an exchange of notices, because it is very possible that respondent will wish to take depositions too. We may agree upon the same Examiner and give notice. It may take a couple of days to ascertain the form of that notice. If this is to be a battle of depositions, there must be volleys from both sides. We can agree on a date, though.

I might call the attention of the Examiner to the rule of the Commission which is that in exceptional cases depositions may be taken. Evidently in the drafting of the rules the Commission anticipated that they did not want to do too much trying of cases by deposition; and I do not know whether the applicant has shown special circumstances which warrant the taking of depositions in this case. That is for the Commission to decide.

Mrs. Willebrandt: The Commission has decided that.

Mr. Cook: They have issued an order for the taking of these depositions, but there has been a hearing, and there is a question in my mind as to whether at this stage the taking of depositions is within the view of the Commission as to how they want these cases tried. The Exami-

513 ner is supposed to make findings of fact and findings of law. It is undesirable to try cases by deposition when it comes to facts. The Examiner ought to see the witnesses and judge of them; and in the taking of these particular depositions the chief officer of the corporation applicant conducted the examination himself, not in camera, but before the notary, on what appeared to be a set of stated questions, prepared for individual witnesses.

Mrs. Willebrandt: Now, for the sake of the record, may I state in reply to Mr. Cook's first question of counsel for the applicant that we believe that the depositions are properly receivable. We have offered them. The Examiner has postponed ruling on them. I have suggested that if the Examiner rules them out, we will ask for their taking at a time entirely satisfactory to both sides, and that time is left blank in this record to be supplied by the respondents if these depositions are ruled out.

Mr. Cook: And we have the opportunity to ask for depositions.

Mrs. Willebrandt: You may make your motion when your case comes on, sir, as I have made mine.

Frank Morrow was called as a witness for and on behalf of applicant WJKS and, being first duly sworn, testified as follows:

514 Direct examination.

By Mrs. Willebrandt:

Q. State your name and occupation. A. Frank Morrow, employed at Station WJKS.

Q. How long have you been continuously employed at WJKS? A. For the major part of four years.

Q. You have had general charge of the programs? A. I have had charge of them in so far as their construction, along with the accompanist or musical director and Mr. Johnson.

Q. Do you have charge of the log there? A. Yes; I have; that is, that part of the log which concerns my studio.

Q. Has WJKS kept a log? A. We have, since the Commission's ruling, ordered a log kept, and we had prior to that for our own record.

Q. Have you in the last few days made an examination of the log and taken off a copy of some programs from the log? A. I have.

Q. Over what period of time have you picked these programs out? A. It was done in rather a hurry——

Q. No; I mean you picked them from what range
515 of time in the log? A. Over a period of approximately a year.

Q. And you picked them at random? A. At random; yes.

Q. And you have taken these transcripts from the log? A. Yes.

Q. Are these transcripts from the log that you have personally prepared? You typed those yourself, did you not? A. These are copies taken from the log and from our old sheets which were taken prior to the keeping of the log.

Q. These are exact copies of the log? A. Yes.

Q. We are referring, here, to Monday, March 16, and Friday, January 16, 1931——

Mr. Cook: If the Examiner please, we do not think the copies are admissible. The log of a station is like a shop book in a mercantile establishment, and a witness would not be tolerated to come before you with a transcript of sheets from a ledger or day book that he had made himself and to testify that those were transactions of the shop.

The log of one of these stations is an important thing. It cannot be tremendously voluminous. If they wish to prove by their own books what has occurred, they should bring the books.

Mrs. Willebrandt: We have the logs here, but manifestly the record should not be burdened with these voluminous books.

Mr. Cook: But he can testify from the original entries, and only put in such entries as counsel deems necessary. The original book is the source from which he should testify.

516 Mrs. Willebrandt: Mr. Examiner, in response to Mr. Cook's suggestion, we will be here for days if a transcript is put in of the pages from the log of simple programs and an attempt is made to go back and read them into the record.

Mr. Cook: You have offered, as I understand it, transcripts taken off by the witness from the original books. We suggest that you show the original book, read the pages which he has transcribed, and then use the transcription to assist his testimony. But the original books we suggest should be shown.

Chief Examiner Yost: It has been the practice to admit copies of programs where the witness is able to testify of his own knowledge that they are true and correct copies taken from the original; and when these are offered in

duplicate, properly identified, they have been admitted in other hearings. If it is established that these are true and correct copies, then the Examiner thinks that they are admissible. But they must be properly identified, and the witness is subject to cross examination.

Mr. Cook: May we look at the original logs?

Mrs. Willebrandt: I am not going to turn the logs over.

Chief Examiner Yost: The log is not in the possession of the Examiner.

Mr. Cook: I would like to know why we cannot look at the log. It is a book kept by the applicant under a ruling of the Commission. It is in court, and we would like to check the witness in cross examination from his transcript, by looking at a few, at least, of the original entries.

Mrs. Willebrandt: If it bothers Mr. Cook for me
517 to use the word "log", I will introduce these in another way.

Mr. Cook: There has been testimony here that the log was kept. We would like to see the log itself for a cursory examination. It is a public record maintained under a public law in connection with a licensed station. I think we are entitled to look at it.

Chief Examiner Yost: The log has not been offered. It is not under the control of the Examiner.

Mr. Newman: Mr. Examiner, it seems to me that since we have a general order to the effect that Stations must keep logs, it is safe to assume that the general order was enacted for the purpose of having logs at the disposal of the Commission at just such hearings as this.

Chief Examiner Yost: It may be at the disposal of the Commission, but under the circumstances in this case the Examiner does not feel that it is under his control.

Mr. Newman: I suppose we can subpœna it. We have not done that. However, the applicant's attorney admits that the logs are in court.

Mr. Cook: We would like to know what the objection is to showing this public record maintained by this licensed station. What is the objection? Is there something secret about this book?

Mrs. Willebrandt: The chief objection, Mr. Cook, is that we would like to get along and present proof that the applicant believes is admissible as the case develops. If you want the logs——

Mr. Cook: We would like to look at them, frankly.

Mrs. Willebrandt: We will have a little private
518 session and let you examine them.

Mr. Newman: Is the exhibit offered on behalf of the applicant programs which have been picked and chosen?

Mrs. Willebrandt: I am just laying a foundation for the sheets. The foundation is not laid yet.

Mr. Newman (continuing): And omitting some of the poorer ones? I think if we are going to have sample programs here, Mr. Examiner, we ought to have everything over a reasonable period of time.

Chief Examiner Yost: The witness may be interrogated as to the matter.

By Mrs. Willebrandt:

Q. You were in charge of programs on January 16, 1931? A. I was.

Q. I will ask you to look carefully at that sheet (indicating) and I ask you whether you know of your own knowledge whether that is a statement of the actual program broadcast over WJKS on that date. A. That is a statement of the 16th of January.

Mrs. Willebrandt: I offer it in evidence.

Mr. Newman: Is that the full program for that day?

The Witness: Yes; every period.

Chief Examiner Yost: This copy is true and correct?

The Witness: Absolutely.

Chief Examiner Yost: It may be admitted.

(A copy of program of Station WJKS for January 16, 1931, was received in evidence and identified by being marked "Docket 1156, Applicant's Exhibit No. 30". An additional copy is to be furnished by the applicant.)

519 By Mrs. Willebrandt:

Q. I will ask you to look at this sheet of paper (indicating), and I ask you what it is. A. This sheet of paper is a correct copy transcribed by me from the log of WJKS, as stated, for the date of March 16, 1931.

Q. Look carefully at the entries made thereon and state whether you know that that actual program was broadcast

over your station on that date. A. That program was broadcast.

Q. And this is a true and correct copy of the actual program broadcast on that date? A. Yes.

Mrs. Willebrandt: We offer it in evidence. It is for March 16, 1931.

Chief Examiner Yost: It may be admitted.

(Two copies of program of WJKS for March 16, 1931, were received in evidence and identified by being marked "Docket 1156, Applicant's Exhibit No. 31", and are filed with the two copies of transcript in possession of the Commission.)

By Mrs. Willebrandt:

Q. I will ask you to look at these three sheets of paper, bearing dates of Monday, December 22, Tuesday, December 23, Wednesday, December 24, Thursday, December 25, Friday, December 26, Saturday, December 27, and Sunday, December 28, and ask you whether those entries represent actual programs broadcast over your station on those dates. A. Those entries do.

Q. And at those hours? A. Yes.

520 Q. Is this a true and correct copy of your programs on those dates? A. This is a true and correct copy of the programs of WJKS on the dates mentioned, with a word of explanation which I would like to make, if it is permissible. We have here the arrival and departure of vessels included in the program of Monday, December 22.

Mr. Clifford: I would like to enter an objection here. They are presenting something here that is said to be a copy, either a copy of the log or a copy of their programs. I think the record should be cleared up as to just what this is. Is this the actual program which is broadcast, or is it a copy of the log showing a program?

Mrs. Willebrandt: I have asked him that question in each instance and he said it was the actual program as copied from the log. To his knowledge it is an actual program.

Mr. Cook: You mean, that was what was sent out?

The Witness: This was broadcast.

By Mrs. Willebrandt:

Q. Let us go back, now, to every one of these pages. Is this, referring to the one of January 16, 1931, the actual program broadcast from your station at those hours on that day? A. Yes.

Q. And this paper is a true and correct copy of your program on that day? A. It is.

Q. Does your answer hold good for all the other
521 papers that we have so far put in? A. It does.

Q. Have I asked you that before? A. You have.

Q. This paper consisting of three sheets which we have heretofore referred to and the dates of which I have already read into the record, running from Monday, December 22, to and including Sunday, December 28, 1930—does or does not that represent actual programs broadcast on the dates referred to and at the hours and minutes referred to? A. It does represent the program broadcast.

Q. Is this a true and correct copy of your programs as broadcast on those dates? A. Yes.

Q. Are there any items here that form an exception to your last answer just given? A. There is one item.

Q. What is that? A. At 12:45 p. m. on the 22nd, and, I believe, through various days on the following programs, there is a notation, "Arrival and departure of vessels." It is self-evident that lake traffic ceased before that date. However, the programs of the station were made up—that is, future periods were placed upon the program board and were copied verbatim in the day's log because they were presented at that time.

Q. What actually was broadcast at 12:45 on Monday, December 22, and at those hours thereafter in these days that you are testifying to now? A. A statement of
522 tonnage received and discharged from the Gary mills of the Illinois Steel Company at Gary, in ore, limestone and coal, taking the place of the arrival and departure of vessels with their tonnage which is broadcast in the summer time.

Mrs. Willebrandt: We offer this in evidence.

Chief Examiner Yost: It may be admitted.

Mr. Cook: Just a moment. We would like to make a motion to the Examiner to have a subpœna issued for the actual log of the station. I understand that the Commis-

sion is in session, and we can secure it while the parties are still in court, serve it upon the head of the corporation and thus secure the books which we would like to look at for the purpose of the case.

Chief Examiner Yost: The Examiner suggests that the application be made to the Commission for such subpœna.

Mr. Cook: Cannot the Examiner transmit the 'application?

Mr. Newman: You have to go to the secretary with the application.

Chief Examiner Yost: The Examiners have never made a practice of issuing any requests for subpœnas while hearings are being held in Washington. It is a matter we leave to the Commission and the secretary.

Mr. Cook: The further procedure, then, is to apply to the secretary?

Chief Examiner Yost: Yes.

(Two copies of programs of Station WJKS for December 22, December 23, December 24, December 25, December 26, December 27, and December 28 were received in evidence and identified by being marked "Docket No. 1156, Applicant's Exhibit No. 32", and are filed with the two
523 copies of transcript in possession of the Commission.)

Mr. Clifford: I want to call the Examiner's attention to Section 12 of the practice and procedure before the Radio Commission, entitled "Witnesses and Subpœnas", which states that "subpœnas may be issued by the Commission or any member thereof or by an Examiner appointed by the Commission to compel the attendance of any witness at any hearing or at the taking of any deposition, or to compel the production of any document."

Mr. Newman: I think it is safe to say that the Examiners, up to date, by the practice and custom, have not been appointed by the Commission for that purpose.

Chief Examiner Yost: When hearings are being conducted outside of Washington, then the Examiner may exercise that authority, but when in Washington it has never been the practice of the Examiners, and this Examiner prefers that the request be lodged with the Commission.

Mr. Clifford: I misunderstood the Examiner's statement. He does not say that he does not have the power, but he prefers that the Commission issue the subpœna than for him to grant it?

Chief Examiner Yost: Yes.

By Mrs. Willebrandt:

Q. I show you a sheet marked "Program for WJKS, Gary, Indiana, for week of September 14, 1930", and ask you whether the entries on these three sheets of paper represent actual programs actually broadcast on the dates and hours that appear on this paper. A. While this
524 transcription is not my own of these particular programs, the programs as listed here were broadcast on the dates stated.

Q. You know that the programs were broadcast on those dates? A. I do.

Q. You did not do the typing of this paper? A. No; I did not.

Q. Examine the entries carefully and see whether the actual programs at the hour and date mentioned were broadcast over your station.

Mr. Cook: If the Examiner please, I do not wish to be captious about this, but the witness Morrow was qualified to state that he himself had copied certain entries from the log accurately and was able to certify that they were true copies, and the copies were offered and marked. Now it appears that he has a paper in his hand that he did not make himself, and he undertakes to testify from his memory as of the present day regarding what occurred on September 14, 1930, and is prepared to state that everything happened that is recorded. It is not good proof, because he is not entering the record, but is undertaking to testify that everything happened that is said to have occurred on the transcript made by somebody else from a page of the log; and I do not think it is good proof.

Chief Examiner Yost: If the witness has personal knowledge that the items alleged to have been broadcast were actually broadcast, the Examiner is of the opinion that that is satisfactory.

525 By Mrs. Willebrandt:

Q. This program was under your general authority? A. It was.

Q. Were the copies from the program record of that date that we have here before us made under your general direction? A. They were.

Q. You did not actually type this sheet? A. I did not.

Mrs. Willebrandt: We offer them in evidence.

Chief Examiner Yost: They may be admitted.

Mr. Cook: I object to the admission of the sheet, because we have not seen the person who made it as a transcript from the log of this station.

Chief Examiner Yost: The witness has testified that he knows of his own personal knowledge that that is a true and correct copy of the broadcast made on the date set forth in the exhibit.

Mr. Cook: Who copied that paper?

The Witness: This particular copy I cannot say. There were a number of girls working in the office.

Mr. Cook: You do not know who made the transcript?

The Witness: No, sir.

Mr. Cook: Did you proof-read it against the original, yourself?

The Witness: I have proofread these programs against the records.

Mr. Cook: What records?

The Witness: Which we maintain in the studio.

526 We kept a record, as I stated when I first came on the stand, prior to the ruling by the Commission regarding a station log. We maintained for our own information program sheets which were a record of the programs broadcast each day. If you will note, the programs in question are in 1930. If I remember correctly, the Commission's ruling was approximately the first of this year regarding the keeping of a station log.

Mr. Cook: Did you proof-read this paper marked "Exhibit 33" against the original memorandum, or whatever it was?

The Witness: Against our program sheets; yes, sir.

Mr. Cook: The things that were to be announced?

The Witness: No, sir. These are the program records as they are taken of programs which were broadcast over the station.

Mr. Cook: Actually put out?

The Witness: Yes, sir.

Mr. Cook: And you proof-read this thing against that program?

The Witness: Yes.

Mr. Cook: And you proof-read this one (indicating)?

The Witness: Yes.

(A copy of programs of WJKS for the week of September 14, 1930, was received in evidence and identified by being marked "Docket 1156, Applicant's Exhibit No. 33"; an additional copy of which is to be furnished by the applicant.)

By Mrs. Willebrandt:

Q. I show you a paper marked "For Friday, July 4, 1930", and ask you whether the entries thereon rep-
527 resent the actual programs broadcast on that day and at the hours recorded. A. These entries represent the program broadcast by the station on that date.

Q. Is this a true and correct copy of your record of programs broadcast on that date? A. This is a true and correct copy.

Q. You made it yourself? A. Yes; it was prepared by myself.

Mrs. Willebrandt: I offer it in evidence.

Chief Examiner Yost: It may be admitted.

(A paper marked "For Friday, July 4, 1930", was received in evidence and identified by being marked "Docket 1156, Applicant's Exhibit No. 34.")

By Mrs. Willebrandt:

Q. I show you a sheet marked "For Thursday, July 3, 1930", and ask you whether the entries thereon represent the actual program broadcast over WJKS on that date and at the hours indicated. A. The entries on this sheet marked "For Thursday, July 3, 1930" are a transcript of

the record of programs actually broadcast over the station on the date mentioned.

Q. You made this transcript yourself? A. I did.

Q. From your station records? A. I did.

Mrs. Willebrandt: I offer it in evidence.

Chief Examiner Yost: It may be admitted.

528 (Two copies of program sheet headed "For Thursday, July 3, 1930", were received in evidence and identified by being marked "Docket 1156, Applicant's Exhibit No. 35", and are filed with the two copies of transcript in possession of the Commission.)

By Mrs. Willebrandt:

Q. Let me ask you this. Are the records that you are referring to in all instances relative to the copies of the programs that you have testified about, which copies have been placed in evidence in the last few moments in this hearing, made from your original station records of programs to be broadcast or of programs that actually have been broadcast? A. These copies which have been presented are of programs which have been broadcast. They are taken from our original station records.

Q. In any instance do they represent advertised or advance copies of what is going to be done? A. They do not.

Q. In all instances do they or do they not represent what actually was done under your direction at the station? A. They do.

Q. I show you a paper headed "Wednesday, February 19, 1930", and ask you whether the entries on this paper represent the actual program broadcast from WJKS at the hours specified. A. This is made from our original record of the program actually broadcast from WJKS on the 19th of February, 1930. The transcript was prepared by myself.

Mrs. Willebrandt: We offer it in evidence.

Chief Examiner Yost: It may be admitted.

529 (Two copies of program sheet headed "Wednesday, February 19, 1930", were received in evidence and identified by being marked "Docket No. 1156, Applicant's Exhibit No. 36", and are filed with the two copies of transcript in possession of the Commission.)

By Mrs. Willebrandt:

Q. I show you a paper marked "Sunday, February 16, 1930," and ask you what that represents. A. The sheet in question, marked "Sunday, February, 16, 1930", is a transcript prepared by myself from the original station records of the program actually broadcast on that date.

Mrs. Willebrandt: We offer this in evidence.
Chief Examiner Yost: It may be admitted.

(Two copies of program sheet headed "Sunday, February 16, 1930", were received in evidence and identified by being marked "Docket 1156, Applicant's Exhibit No. 37", and are filed with the two copies of transcript in the possession of the Commission.)

By Mrs. Willebrandt:

Q. I show you again Applicant's Exhibit 37, which is marked "Sunday, February 16, 1930," and ask you to examine this sheet carefully and state whether it is a fair average Sunday religious program. A. It is. Might I ask a question? Your question was, Does this not represent a fair average of the programs? That is, with regard to the amount of certain types of program which is presented on Sunday?

Q. Yes; a fair average of the allotment of Sunday
530 time. A. That is, apportioned to religious types of program, yes, it is.

Q. I will ask you to run over that program. It is short, and name the items. A. At 8 o'clock in the morning, church services, St. Mary's of The Lake. That is Father Guerre.

At 9 o'clock, sacred music, which was a recorded program.

Q. You mean, records were used? A. Yes, using records.

10:45, the Central Baptist Church services, Rev. Ayer, Pastor.

11:45 we signed off for station WGES in Chicago.

At 1 o'clock p. m. we returned to the air with the Bread of Life program from the Central Baptist Church, Rev. Ayer, Pastor.

2 o'clock p. m., Christian Church of Tolleston, Rev. Fleming.

At 2:30 p. m., Fourth Presbyterian Church of East Gary, Rev. Alamsha.

At 3 o'clock, Salvation Army services, in charge of Ensign Gates.

At 3:30, West Gary Presbyterian Church,——

Q. Who is the pastor there? A. Rev. Alamsha. He is also pastor of the Fourth Presbyterian Church of East Gary mentioned heretofore.

Q. You had to sign off at 4 until 7:30? A. Yes. At 7:30 we returned to the air with the program of the City Church, Epworth League of the Methodist Church.

531 At 8 o'clock, First Presbyterian Church, Rev. Bachmeyer.

At 8:45 p. m., sacred organ recital from the Presbyterian Church.

9 p. m., studio program, continuing until 9:30, when we signed off.

10:45, studio program, dance music.

11 o'clock, Elks' Memorial Hour.

At 12 o'clock we signed off for the night in favor of WGES.

Q. I will ask you whether you broadcast more than one denomination on Sundays. A. We do.

Q. Do you broadcast all denominations in Gary? A. We do not; it is impossible.

Q. Which ones do you leave out? A. We broadcast as many as we have time for on the station. Due to lack of time we are unable to give them all time.

Q. Do you discriminate between denominations or have any particular hours that you allot to certain denominations? A. No; we do not.

Q. How do you allot the time you do have on Sundays? A. The Baptist Church has a regular broadcast service schedule. The Presbyterian Church is also scheduled in the winter months. In summertime they do not have evening services. We have a Catholic Chapel Hour which is a regularly scheduled program. Then in the afternoon on Sunday between the hours approximately of 2 o'clock and 4 o'clock the time has been allotted—has been of-

532 fered, rather, to any religious denomination or organization regardless of their creed so long as they are not atheistic or are not disbelievers in God. This time is open to any of them upon proper application to station authorities for an amount of time, giving us due notice.

Q. You would take them in order? A. Yes, in the order in which they come up.

Q. I will ask you to glance through these programs which have just been introduced as exhibits and point out the Learn to speak English program. Do you find that there? A. I find it at 7 o'clock.

Q. Are they on practically every day? A. They are.

Q. How long have you had that Learn to speak English feature peculiarly for the service of Gary? A. It has been on the station—that particular program has been on the station for a year or more. The exact date I do not have in mind.

Q. Will you please explain to the Examiner just how that program is handled? A. We have a peculiar situation in Gary. There are so many different nationalities, so many different foreign children in the schools who find it difficult to talk English, due to the fact that when they go home from school they are forced to revert to a foreign language, that it was therefore decided that it might be possible over the air to present an elementary course in the rudiments of English. That is done by utilizing a text book which is used in the actual schools for be-
533 ginners in English.

Q. The Gary public schools? A. Yes.

Q. So that it is the same text book that the children use in school and which they can bring home at night? A. Yes, and they of course take it home with them, to do home work, and at night they utilize it for instruction of their parents when this feature comes on the air. Teachers in the schools have told their children to tell their parents that it is on the radio at a certain time, and they tune in, and the children come back and report to their teachers how mother and dad are getting along, rather mother and dad asking how they are getting along in school.

Q. The broadcast is conducted in English or in a foreign language? A. It is conducted in English.

Q. At the other end of the broadcast, at the receiving set, with most of those who are taking the instruction, do they or do they not, if you know, speak enough English so that they can understand the instructions?

Mr. Boyd: I suggest that he answer that categorically, whether he knows or not.

A. I do, from an investigation for that purpose, in order that we might find whether or not this program was worth while continuing. I made a personal investigation and through various centers caused personal investigations to be made, and we have found, and it is on record at those centers, that while the majority of foreigners whom we reach on that program can neither read nor write
534 the English language, yet most of them understand a few simple spoken words of English; and it is the simple words that are used in this program, building up their vocabulary step by step, starting with the A, B, C's. It is literally speaking starting with the phonetics of English.

By Mrs. Willebrandt:

Q. Does Gary have its own peculiar text book called "Learn to speak English"? A. No; this text book that is used is an elementary book that is available and it is announced during this program that the book is available either through the school system or through the publishing company, and the children are told in their class rooms that they can get the book for their parents if the parents desire them.

Q. Will you state whether there is a demand from Gary and throughout the Calumet region for that program? A. There is a very great demand, because the people who are learning to speak English are proud of it.

By Mrs. Willebrandt:

Q. On what do you base your statement that there is a demand for this program? You stated there was. A. Miss Hayes, who presents the feature over the station,
535 is a teacher of English in the Beveridge School in Gary, teaching the English language in the 4th, 5th and 6th grades.

Q. If you had more time would you enlarge this type of program?

536 By Mrs. Willebrandt:

Q. Turn to these programs and see the Americanization programs. A. Here (indicating) is a program on July 4, 1930, the War Mothers program, an Americanization pro-

gram. I find also on that date programs entitled "Germans in American History", "Frenchmen in American History", and the "Slavish People in American History." Also the Spanish and Mexican peoples' hand in our history.

I also have at hand a copy of July 3, 1930, when, at 7:30 p. m., there was a children's program by Major Keppler.

Q. In what way was that an Americanization program? A. It was presenting stories of America, her ideals, her structure, how that is perpetuated in a form in which children might understand it. And essentially the foreigners are children.

Q. What are your Americanization programs and how many of them do you have a week? A. We have Americanization programs which are prepared by a group of Americans, such as civic organizations, war mothers, the American Legion, the American Red Cross and various groups of that type, which are special broadcasts. Then we have foreign programs which present groups of nationalities.

Q. Do you know the origin and establishment of
537 this foreign language special broadcast in Gary?
A. I do.

Q. Please state it. A. Four years ago when this station first went on the air Mr. Johnson discussed with myself and others who were connected with the station at the time how we might best serve the foreign population of the city, in order to carry out his policy of making it a community station. We decided that we would go to the heads of various organizations, such as churches——

Q. State whether you did do that, not what you decided. A. We did go to those organizations and asked them to refer us to outstanding naturalized American citizens who were also outstanding representatives of their own national groups in Gary or in that region. That was done. After these men were selected they were called together in a banquet——

Q. You mean, the leaders? A. Yes; each outstanding leader of each national group. They were called together in a banquet at which it was explained.

Q. Who gave that banquet? A. Mr. Johnson.

Q. How many of them were there? I mean, how many of the representatives of the foreign nationalities? A. There were twelve representatives at the meeting. There they were told of the advantages of this plan to present a national

program for each nationality; that is, presenting talented people from each nationality. Also they were told
538 what advantages it would bring to American people to be enabled to hear this music and thought as it is expressed by these foreign people. They were told that it would increase national pride and civic pride as well as their own pride.

Q. What was their responsibility? A. They were charged with spreading the word among their people that this type of program was to be placed on WJKS.

Q. Did they have any financial or other responsibility to the station? A. There was none.

Q. Were they selected in any manner because of any advertising that they gave the station? A. Not a bit.

Q. Did they have any percentages or commissions or anything of that sort that brought them into any financial or managerial relationship with the station? A. None.

Q. You say their names were selected by the civic leaders and social workers of Gary? A. Yes; leaders of civic clubs, such as the Lions, Rotary and Kiwanis.

Q. How much time was promised to each of them if they worked up their national programs? A. They were told that when they had prepared their program to the point that it would be a sustaining feature, where it would sustain itself and not die out after one or two broadcasts, they were to come to the station and present their pro-
539 gram in copy form and they would then be assigned a period of 30 minutes for their particular national program. They were also told that if their program warranted, and the time was available, their period would be increased at a future time.

Q. Who was the first national group that responded? A. The Polish group.

Q. Who is the leader of the Polish group? A. Mr. Menczynski, a member of the Safety Board, Commissioner of Public Safety.

Q. State what type of program is given. A. It is a musical program with vocal and instrumental selections expressing the particular type of music of the country which is appearing at the time.

Q. Is Mr. Menczynski or his wife in charge of that program? A. Mrs. Menczynski is in direct charge, that is, of presenting the program. Mr. Menczynski, however, is the

director. Mr. Menczynski, by the way, is the announcer in Polish on the Polish program.

Q. Describe how much Polish or foreign language is spoken over the radio when you give this program. A. Merely the announcement of the period, the names of the songs and the closing announcement of the program.

Q. Are there any exceptions to that on special holidays or patriotic days? A. There are at times when we
540 have American holidays, such as the 4th of July, or, for instance, Gary is to have its Silver Jubilee celebration, and that has been spoken of during the Polish program, as on all other foreign programs. People are told of the part which they have played in building Gary, the part which they are to have in the celebration.

Q. Is this program, after being spoken in Polish, translated into English? A. It is; each announcement is made exactly as it has been made in Polish.

Q. Generally speaking, it consists of national music? A. Yes.

Q. Are Mr. and Mrs. Menczynski qualified to handle that program? A. They are; exceptionally so. Mrs. Menczynski for a time was a very talented figure in Polish opera.

Q. The Mexican group: who is in charge of that? A. Senor Rimas, a social worker among the Mexican people in Gary.

Q. What type of program do they give? A. They present the laboring people, composed largely of the Mexican group in the city of Gary. When they received word of the program, they grabbed their guitars and came running, you might say. We had more Mexicans than we could use on the program. Now the program consists mostly of vocal and instrumental solos with now and then duets by both male and female voices. We found very talented
541 vocalists, especially among the male portion of the program.

Q. How about the German program? Who is in charge of that? A. A young doctor whose name has escaped me for the moment. He is practicing medicine but is in love with music and takes that way of expressing himself in music through organizing among the German people of Gary and the surrounding territory a musical club which

appears on these programs in behalf of the German people, and presenting German national music; as is true of the other nationalities on their periods.

Q. The Hungarian group: who is in charge of that? A. Mrs. Katherine Pastor.

Q. What type of programs do they broadcast? A. Typical Hungarian music, both vocal and instrumental. The Vagabond Gypsies is the title of the program. They are Magyars, the ancient Hungarian race, and play essentially Hungarian instruments. This program is appreciated.

Q. Is the program popular with more than Hungarians? A. It is.

Q. How about the Italian program? Who is in charge of that? A. The Italian program is under the direction of Louis Vacirca, a leader among the Italians, a barber
542 by trade. In fact, all of these foreigners are working people. They are not professional. There is not a professional among them.

Q. Is there a single one appearing in these national foreign broadcast groups that you have described who is other than a laboring or working man? A. No.

Q. How about the Irish and the Scotch? A. Those are prepared and presented by Scotch and Irish people of Gary and the surrounding territory.

Q. What type of programs? A. Vocal and instrumental selections.

Q. Are they ordinary music, or are they held to their peculiar national music and airs? A. It has been the practice to present them as more of a travelogue, with music and story concerning certain portions of the country represented.

Q. How about the Croatians and Czechs and Slavonians and Lithuanians? A. Those are what we term the Slavish people, and they appear on alternating half hours on Sunday afternoon. We cannot find room for them otherwise. They are noted choir singers, singing without music. That is their specialty, and they vie with one another on their Sundays as to the quality of each program.

Q. Do you know whether this foreign language broadcast as you have described it is desired by the people in
543 the Calumet region? A. Yes, I know it is.

By Mr. Boyd:

Q. Did you talk to those people that want it? A. I did.

Q. Do you talk to them in these various languages? A. I do not.

Q. How do you know, then? A. We have interpreters.

Q. You have interpreters that go with you to talk to those people and you hear the questions put and the answers made? A. May I explain?

Q. Surely. A. On these programs we have telephone operators who take telephone requests from the foreign people who call.

Q. Let me ask you a question in connection with that. Do these telephone operators speak the language of the foreigners? A. They do. That was arranged by asking each group to provide a telephone operator of their nationality who also spoke English, at the time the group first went on the air; and as these programs are presented, in order to check on the foreign announcer, we have a court in-
544 terpreter who sits by my side and interprets everything that is said.

The telephone calls and replies or responses became so great that we have been forced to discontinue any telephone request programs at all because the telephone company refused to have their board tied up.

Q. Unless you paid for the line. You mean by that, that unless you provided additional trunks. They will take all the calls you put into it if you will pay for the lines. A. Yes; but what I mean is, that their trunks are all tied up in the office so that they could not furnish service.

Q. The trunks provided for the reception of calls are not capable of receiving the calls; is that what you mean? A. That is what I mean.

Q. Unless you provide additional facilities, they will not accept your calls? A. Yes. So we have been forced to discontinue telephone request programs at all; but various leaders of these groups and various American leaders have appeared at the station, both to me personally and to groups on the station, and have appeared in public making the statement that these programs were working wonders among their people.

By Mrs. Willebrandt:

Q. How many hours a week do you give to this type of broadcasting? A. Those programs from 8 to 14 hours a week. They vary in the amount of time given.

Q. The demand is such, as you have just described it, that you could and would give more time to this type of program if you had the time to give? A. I would.

545 Q. Is there any peculiar gearing or adaptation of your safety program for the special needs of Gary?

By Mrs. Willebrandt:

Q. Do you have a safety program? A. We have. Every Thursday night.

Q. Do you give it an advantageous hour, hours that are known, or otherwise? A. They are known, and it is an advantageous hour. It is given from 8:15 to 8:30. I might add there that it is given from 8:15 to 8:30 with the exception that on special occasions it is changed 15 minutes, perhaps, one way or the other.

Q. State what that safety program is at that time. A. The program is under the direction of Mr. Davies, who is division safety inspector of the Illinois Steel Company. He presents a program essentially to the workmen,

546 to the people in the home. The program opens with a musical selection by one group or another of workmen who are actually employed in the mills at Gary. This is followed by stories about safety. The stories are not confined to the plant alone, but to the home and the street and all the other various adaptations of safety. It is followed by the reading of a poem, perhaps, and then a musical selection.

Q. Is this geared to actual events? A. Happenings in the mills from week to week; the application of new safety guards to various types of machinery and the varying conditions in the mills and on the street, such as spring with its increase in motor traffic; warning the children to have a care in crossing streets; household accidents, and things of that kind are also watched carefully.

Q. Do you have a program known as the William P. Gleason Hour? A. We have.

Q. Will you please state why it is so named and what it is and when it began? A. The program began almost

four years ago. The exact date of its starting I do not remember, now. Mr. Gleason is the general superintendent of the Illinois Steel Company at Gary. Gary is essentially a steel town. Mr. Gleason is very much interested in every angle of the city and its welfare. When we were starting the station and opening the station Mr. Gleason was very friendly and helped a great deal. In a desire to show appreciation for his service and to commemorate his assistance Mr. Johnson set aside a period of time on
547 Saturday afternoon to be known as the William P. Gleason children's hour.

Q. How long a time is it? A. It varies in length from an hour and a half to two hours or two hours and a half.

Q. Will you state who first started it off? A. Dell Bolling Lee. At that time, music teacher and auditorium instructor at Jefferson School in Gary.

Q. How many children, on an average, did you have when Mrs. Lee or Miss Lee was in charge of it? A. I should judge, 18 or 20 a Saturday.

Q. Then who took charge of it? A. It was then given to Mrs. Catherine Thomas Jones, Principal of Jefferson School.

Q. What was the number of children that broadcast on an average during the time she had charge of it? A. It ran from 35 to 40 or 50. An average program was about 40.

Q. Then who took charge of it next? A. Then Mrs. Florence Keller was placed in charge.

Q. And the number of children who broadcast on this Saturday afternon hour grew to how many under her régime? A. Approximately the same growth, around 50 or 60, depending on weather conditions.

Q. Who then took charge of it? A. Then it was decided to carry the program into the regular studio routine.
548 Before, it had been placed in charge of these teachers, and Miss Murphy was a member of the staff in charge of music work, and she was chosen to take charge of the William P. Gleason children's hour. Under her direction the program continued until a short time ago, when Miss Murphy left the station, to a growth that was phenomenal. We had an average Saturday attendance of 150 to 200, and at one particular time she had, I remember, 600 school children.

Q. How are these children sent in or selected for their broadcasts? A. Primarily the teachers of the various schools were called and they were told what part each of these children should have in broadcasting on Saturdays. Then they set it as a goal for the children to reach in their studies during the week. If they reached a certain point——

549 By Mrs. Willebrandt:

Q. What your plan of selecting the children was, if any, to broadcast over your station. A. That was the first way we took to select the children to broadcast, through the teachers of the schools. Then we visited with the mothers in the homes, and it was taken from that to various musical institutions, so that there are five different sources at the present time from which children are coming to this children's program.

Q. What are those five sources? A. From the public schools, the parochial schools, from music academies, from the homes and from the cities immediately surrounding Gary—from the public schools, parochial schools and homes in those cities.

Q. Have you had any demands for increase of this program? A. We have.

550 Q. From what sources have the demands come? A. Through the mail and over the telephone.

Q. How large a volume of demands through the mail? A. Averaging 30 to 35 letters a week.

Q. Have you any other demands? A. Through telephone calls and through personal appearance of mothers and teachers at the station who wonder why it is that they cannot get their particular group or boy or girl on, and we have to tell them that it is because of the fact that the time is filled.

Q. Do any of these demands come from the schools at the present time? A. They do.

Q. From whom in the schools? A. From the teachers in the various primary and secondary grades.

551 Cross-examination on behalf of respondent WIBO.

By Mr. Boyd:

Q. Mr. Morrow, you stated that it was your intention four years ago to make this station a community station.

Are you prepared to say that that has been your attempt and purpose since that time? A. I will not say it has been our attempt and purpose since that time entirely. It has been the thought behind all of our programs, to make it a community station. It has conformed as nearly as possible to that.

Q. It has been your purpose and your desire to reach the citizens of Gary? A. Of the Calumet region.

Q. And you have not attempted to serve any other region and do not now care to serve any other region, and your programs are not prepared for that purpose? A. I do not know anything about the operating policy, other than my studio programs.

Q. Those programs are prepared with a view to serving only the Calumet region? A. That is the intention, when we prepared our programs, to serve the people of Calumet region.

552 Q. With reference to the programs that you have testified regarding, am I to understand that at the specific times indicated programs of the type described were actually broadcast in each case? A. Yes, sir.

Q. How did you gain that knowledge? A. I have been an announcer of WJKS for the greater part of four years, and an announcer on that station is at the station during the time the station is on the air.

Q. That is to say, you are on at all hours of broadcasting? A. Yes; I was.

Q. Are you familiar with the employees of the station? A. I am.

Q. Can you state, please, the names of the employees that were on the pay roll of radio station WJKS and actually broadcasting on the date of September 22, 1930?

Mrs. Willebrandt: I object to that question. It is improper cross examination. It was not gone into in the examination in chief, and has no relationship to the issues of the case.

Chief Examiner Yost: The Examiner presumes that it is for the purpose of testing the memory of the witness, and goes to his credibility.

Mrs. Willebrandt: But it is also a fishing expedition to seek information that is not in the issues in the case.

Chief Examiner Yost: The Examiner does not see where it is material at all.

Mr. Boyd: Does the Examiner hold that the witness may not answer?

553 Chief Examiner Yost: What is your purpose?

Mr. Boyd: The purpose of asking the question is that in the application of September 30 they say they have a certain number of employees, and I want to find out who they were, if he knows.

Chief Examiner Yost: He may state if he knows.

Mrs. Willebrandt: Just a minute. I object to that type of cross examination, first, because under the guise of cross examination it is a fishing expedition. This witness did not sign this application, as proved by the application itself. There is no foundation laid to indicate that he had anything to do with it or had any knowledge of the representations that were made. We had a witness on the stand who did sign it, and ample opportunity was given to cross examine as to all of these things. To ask questions of this kind under the guise of cross examination is just burdening the record and is objectionable.

Chief Examiner Yost: The policy pursued by the Examiner is such that in his opinion it is proper cross examination, giving wide latitude to such examination. He may answer the question.

The Witness: The number of employees in the station varied as far as the total number employed, and the number in the commercial division, for instance, with which I had absolutely nothing to do, and in the transmitter division which I was absolutely without knowledge of, and I would be incompetent, both through absolute lack of knowledge and inability to even guess who all of them were.

By Mr. Boyd:

Q. I will ask you to state who were the employees
554 that you knew anything about that worked for radio station WJKS at Gary, Indiana, on or about September 22, 1930.

Mrs. Willebrandt: I object to that question. It has no relationship whatsoever to the issues in this case. It is improper cross examination. It goes into nothing that is a part of the examination in chief. It is an improper method of testing memory——

Chief Examiner Yost: The Examiner ruled before that this witness might state the names of the employees if he knew. While the Examiner does not see that it is material at all to the issue, it seems to go only to the credibility of the witness in the matter of testing his memory. I can see no objection to the question being answered if he knows.

The Witness: I can state the people with whom I was associated in broadcasting of programs on the station at that time, but, as I say, I am limited, due to the fact that I had nothing to do with other departments.

Mr. Boyd: Read the question, please.

Mrs. Willebrandt: Has the examiner ruled that it is proper for him to ask all the employees that he knows anything about?

Chief Examiner Yost: Yes. The witness may answer. He may name the employees if he remembers them. Evidently Mr. Johnson would be a better witness. He pays the employees. But this witness having been there at all times should be advised in a general way of who the employees are. If he cannot answer, he can say so.

The Witness: I can name, as I said, the employees that I worked with, but I do not know the names of all the
555 employees of the station, because I never did know who all of them were.

The Witness: The employees whom I knew, with whom I was in constant contact at or about that time were Alice Murphy, Tom Warrillow——

By Mr. Boyd:

Q. What were his duties? A. Tom Warrillow was a junior employee on the staff, also an announcer. Then there were Miss English, secretary; Mrs. Robinson, who was also secretary; Miss Sheehan; Alec Alamsha. You asked me to name the people with whom——

Q. That were employees of the station. A. Alec Alamsha——

Q. What were his duties? A. He was a salesman. There was Wendell Gunther, an engineer; there was Daniel Monroe in the operating room——

Q. What was he doing in the operating room? A. He was an operator.

By Mr. Cook:

Q. Was he a licensed operator? A. Yes; he had a license. That is about all of the people with whom I was in constant contact.

556 By Mr. Boyd:

Q. I did not say anything about constant contact. A. Well, the people whom I knew that were in the employ of the station.

Q. And they are the only ones that you do know that were in the employ of WJKS at that time? A. Yes. As to others, there may have been others and there may not have been. I do not know. I am not familiar with the other divisions.

Q. With reference to police bulletins, did you at recent periods daily broadcast police bulletins? A. Those police bulletins are emergency service which are provided by WJKS at any time the police department has anything of an emergency nature to broadcast. They telephone to us and we put it on the air regardless of the program that is on at the time.

Q. I hand you applicant's exhibit 33 and ask you whether or not at 3:15 p. m. on Monday, September 16, there was a police bulletin broadcast. A. As to that at the present time, sir, I don't know of the particular instance; as I explained to the Examiner, these are taken from our program sheets which were made up the day the broadcasts were put on. Particular instances I cannot recall. It is impossible.

By Mr. Boyd:

Q. If I ask you about these other things, you will
557 not know of your own knowledge whether or not they were broadcast at the time stated? A. The feature programs, yes; because our record was made on the day that the broadcasts were put on. This program as it appears is a transcript of the record——

Q. What information does the log of your station contain as to the date of September 14 and the week following? A. It contained just what you see on that paper.

Q. Can you examine this sheet and tell which of the programs are musical and which are not musical programs? A. I can.

Q. Has there been an occasion when the foreign language programs were sponsored by any person? A. There have been occasions when portions of the programs, that is, portions of foreign language programs, were sponsored by parties. However, those programs were not the regular nationality programs which are presented as station features.

Q. Are foreign language programs sponsored on radio station WJKS? A. Special programs, yes.

558 Q. How frequently are special programs sponsored? A. As often as sponsored programs change on any broadcasting station.

Q. How often is that on your station? A. It depends upon the length of contracts.

Q. But you have had foreign language programs sponsored on that station? A. We have had certain periods of foreign language programs sponsored.

Q. What foreign language? A. Italian, for instance. Polish at one time; yes. I don't know about the sponsor on an Irish program.

Q. Are announcements made of these programs? A. Yes, sir.

Q. And foreign language programs are interrupted and a commercial announcement is made on the programs? A. Commercial announcements? Foreign programs are not interrupted at any time to advertise an article paid for by an advertiser on a foreign language program, unless the program is sponsored by the manufacturer of that article or the sales people for the article in question. Then it is not on one of our regular foreign programs.

Q. You mentioned a Miss Murphy. Who is she? A. Miss Murphy was an accompanist on the station for nearly four years.

Q. What staff did you have and use regularly in

559 broadcasting programs over the station during the fall of 1930? A. That is something that I do not recall. I would hesitate to say, because I had nothing to do with salaries of those who were employed and whose who were not would be immaterial to me. We were working on programs.

Q. Did you procure the talent for this station? A. I helped to select it.

Q. Who had charge of that? A. Mr. Johnson, Miss Murphy and myself.

Q. You merely helped to select or make the selection? A. I helped to make the selection.

Q. Do you know who they were that were selected, whether they were persons that were paid or whether they were not paid? A. I don't know anything about compensation. I had nothing to do with that.

Q. When an artist came to the studio you did not know whether it was paid talent or free talent? A. No.

Q. How many hours did Miss Murphy work during the day? A. It varied from time to time. Miss Murphy actually worked about four and a half or five hours.
560 She was on duty approximately eight hours, not a great deal more than that.

Q. Do you know a man by the name of Harry Mayer? A. Yes.

Q. What are his duties? A. He was in charge of the Gay Mill studios and transmitter room and kept it in shape.

Q. Did he work for the station at the Gay Mill Ball Room? A. For the station.

Q. How frequently did you broadcast the fact that the Gay Mill Ball Room was associated with radio station WJKS? A. Just the same as any station does a remote pick-up.

Q. How is that? A. When they have a program coming from that point.

Q. They make the announcement only at that time? A. Any announcements made of the Gay Mill Ball Room were commercial and were according to a schedule. I don't know how many announcements were made; I couldn't state.

Q. What do you mean by the Gay Mill Ball Room announcement being commercial? A. They were charged to commercial time. The announcer on duty, whenever the announcement was made, was directed to put it on the account which was turned over to Mr. Johnson showing the amount of time utilized by the Gay Mill Ball Room.
561 Q. You keep an additional record besides the log of these various programs that you have identified and testified to? A. How is that?

Q. Did you keep a record of commercial announcements made? A. Yes; we have the times.

Q. That is an additional record, is it not? A. Yes, but it had nothing to do with this part of the program.

Q. But you did keep and do keep a record of commercial announcements made on the air? A. That is kept by each one, on its own individual announcement sheet. These are filed with the contract at the expiration of the contract.

Q. What additional matter was broadcast besides the matter which you have testified about? A. This is program material. Commercial advertising or advertising announcements would not go into this, because this was kept as a record——

Q. With particular reference to exhibit 33, at what time during the day were commercial announcements made on those programs? A. Sunday there were no commercial announcements until after the church programs had signed off at 9:30. At 10:45 we returned to the air; the only
562 commercial on that day being the announcement of Gay Mill Ball Room, for the dance music which came from that point at 10:45. Do you desire Monday also?

Q. Yes. A. The Alarm Clock program is a popular recording program on which commercial announcing might be done.

Grandmother's Favorites——

Q. Is that a phonograph program? A. Yes.

The School Children's program is novelty recordings.

Q. Also phonograph records? A. Yes; an hour and a half of records. At 1:15, Happiness request program, on which commercial announcements might be made and were made.

Q. What type of talent is used on that program? A. The request program was presented by Alice Murphy and myself. Then the afternoon tea dance, at 3:15, announcements of local items of interest and sports, police bulletins, or any other material available at the time.

Q. You mean by that, you reserve that time on the air to broadcast that information if you had information of that type available. Did you always make use of it for that purpose? A. We did have at that time. There was always a certain schedule.

Graphols was an entertaining feature.

Q. What type talent? A. A mystic of some sort.

The Community studio program was a civic pro-
563 gram devoted exclusively to Gary.

Inspector Albert S. Woods at 7:30 p. m. talked on the modern police department. He was the inspector in charge of rebuilding Gary's municipal police department.

Serenading Guitarists. That might also be used for commercial purposes.

Q. Was that paid talent? A. No.

The Emerson High School Band. No announcements on that program.

10:30, diversified studio program, upon which announcements might be made.

11:15, local items of interest; another period such as the one in the afternoon.

11:30 p. m., also commercial announcements might be made. Also during the 12 o'clock program.

Q. Were you during that period broadcasting weather reports? A. Yes.

Q. Were you broadcasting the temperature of the water? A. Yes.

Q. From whom did you procure that information? A. From the Gary Beach, at Gary, Indiana, where the water is tested by city enployees.

Q. With reference to the programs in connection with the schools, is that arrangement made with the officials of the school or with individual teachers? A. With the officials of the schools. You mean, the band programs?

That is arranged with the supervisor of music
564 of the Gary public schools, and Mr. Warner in charge of the band program.

Q. In reference to this teaching of the English language to the foreign population, is that under the sanction or supervision of the schools? A. It is under the sanction, not the supervision. Miss Hayes outlined it for herself. It is one very similar to the one she uses in her teaching in school every day.

Q. What language does she teach? A. She teaches English.

Q. English only? A. Yes. She holds a teacher's license in the State of Indiana and is a graduate of a university.

Q. Is the arrangement made with her or with the school? A. The arrangement is made—Miss Hayes is on the station's staff.

Q. And she is also teaching? A. Yes. Being an English teacher, she teaches English over the station.

By Mr. Cook:

Q. You testified that you had many requests for time from school children? A. We have had.

Q. A mother would call up and want to know if her baby could not sing a lullaby on the radio, or something of that sort? A. Not confined to mothers entirely. It was people all over the region.

565 Q. You have been a radio announcer for several years? A. Four years.

Q. Are you not swamped with requests by persons who just want to talk on the air? A. We were at one time, but we have weeded that out in that particular section.

Q. But a doting mother wants to hear her child play the piano or sing a song over the radio if possible? A. The queer thing about it is that it is not the mothers who call; it is friends who are unknown to the mothers.

Q. Unknown to you or unknown to the child? A. To the mothers of the children.

Q. But many of your requests, if not most of them, are from persons who want somebody to get a chance on the air? A. People who have heard these programs and enjoy particular voices might. However, the programs are largely divided into periods which present certain groups. As to classification we did not make any distinction. We do not take those 3 feet high and those 4 feet high, for instance; we do not take them according to nationality or school, but we classify them from A to M and from M to Z.

Q. You try to be fair? A. In every possible way, and no one was barred. Even a Chinaman could broadcast.

Q. You say you have a Polish program? A. Yes.

Q. And a Hungarian program? A. Yes.

566 & 567 Q. And other foreign programs? A. Lithuanian, Croatian, Russian, German, Irish, Scotch.

568 By Mr. Cook:

Q. Did you have an office at the transmission station of WJKS? A. I did not have an office.

569 Q. What did you have there? A. There is a studio. The old studio still remains in the ball room. That has never been torn down.

Q. Did you use that studio? A. I did not use that studio.

Q. Did you use any studio at the station? A. I used the studio at the Elks Temple building, which is the studio of WJKS.

Q. But never worked down at the station? A. I worked when we first opened the station, four years ago, before the studio was open.

Q. How long did you work there? A. I don't remember exactly how long it was.

Q. In the past year? A. Not in the past year; no.

Q. Where were the records kept? A. At the transmitting station.

Q. That included the blotters that you used as showing—— A. Oh. Pardon me. I thought you meant the phonograph records.

Q. Where were the phonograph records? A. They were kept at the transmitting studio.

Q. Were they frequently used? A. They were on the programs as indicated.

Q. Would it have been possible for you to have substituted school children's programs and other strictly local entertainments and instruction for those record programs? A. As you will note, the recorded programs on the station were at times when the school children were in school, or at times when programs other than records would
570 be inappropriate.

Q. You could not have entertained or instructed school children during the morning hours when you use records? A. Most children are in school at 8:15. You will note we had one hour before that; and the commercial time, as far as indicated there, was a program of popular novelty dance records.

Q. It is your idea, is it not, as a program maker, that school children's instruction should occur during school hours? A. No, sir.

Q. Before school hours, then? A. In what connection?

Q. You just stated that the school part of your program should be during school hours? A. I did not state that, sir.

Q. What did you state? A. I stated that at the times when records were used the children were in school. During this portion of the day when we might have substituted children's programs it was too early for children to be

traveling around to the studio. Your question was, if I understood it, could we have substituted children's programs for records?

Q. Yes, sir. A. And I say that due to the fact that it was an early morning hour when children were just getting out of bed, for instance, it was inappropriate and practically impossible.

Q. For instance, you could not have substituted on March 16, 1931, from 7 a. m. until 8:30 a. m., school
571 children's programs for the following: Pep program, Musical Time Savers (dance records), Smile-a-while? A. I think you will find that parents are not given to routing their children out at 6:30 to get them to a radio station at 7 o'clock to broadcast a program.

Q. Even those who are anxious to hear their children on the air? A. They are not.

Q. On this program you show the Emerson High School Band (boys) at 12:18 to 12:45. A. Right.

Q. Do the school mistresses complain of having the children, during school hours, listen to radio in the school? A. They do not; in fact, they encourage it.

Q. They want the radio in the class rooms? A. They have radios in their auditoriums, and at the time that the bands and orchestras are on the station the pupils are called in to the auditorium to listen to those programs.

Q. Did you ever hear any discussion by friends or teachers of the idea of using the entire morning hours in school for radio programs? A. I have heard that discussed at various meetings of radio people, as to the advisability of education over the radio.

Q. But the Gary School System does some teaching by teachers by word of mouth in the class rooms? A. The Gary School System is a peculiar system. It is known as the work-study-play system. Perhaps you have
572 heard of it?

Q. Yes, sir. A. Their curricula is made up of various periods of educational academic training. In their program they have not allotted a space—however, that is under consideration, and I believe that Mr. Johnson can explain that.

Q. Then the Gary School System does not, at present, at least, encourage an all-day program for school chil-

dren's education over the radio? A. The Gary School System has never had an opportunity to encourage that.

Q. Let us go ahead. On this date, March 16, 1931, the period from 1 o'clock to 4 p. m. is the afternoon school period, in a general way, is it not? A. Yes.

Q. I find you had at 1 p. m. the Happiness Club program, Frank and Alice. Who is Frank? A. I am.

Q. And Alice is Alice Murphy? A. Yes.

Q. You could not use that period for an educational program? A. The time might have been used that way. However, at those hours the majority of children in the Gary schools are in academic class rooms, and it is inadvisable to take them from academic work into a radio program.

Q. Furnished by Frank and Alice? A. By any one.

Q. 1:30 p. m., Dr. DeLisle, entertainment feature.
573 Who is that? A. I do not know what you would call him.

Q. It was an entertainment program as distinguished from an educational program? A. Yes.

Q. At 2 p. m., studio pianologue, Bob Asche. Could that have been used for instruction and community development? A. It could, and it frequently was.

Q. We are discussing this program, now. 2:15 p. m., Nora and Bridget, an Irish sketch. Might that have been used for educational and community development purposes? A. Not to advantage.

Q. 2:30 p. m., Alice request period. Is Alice still Alice Murphy? A. Yes.

Q. Could that have been used for propaganda of a community nature, improvement, education and development? A. It could, and frequently was.

Q. 2:45 p. m., the Poet's Corner. What kind of program was that? A. That is an educational program.

Q. At 2:45 p. m.? A. Yes.

Q. Reading poems? A. The best of poems; that is, poems which are easily understood by the majority of our listeners.

Q. Paradise Lost? A. No. Paradise Lost is
574 very much too heavy for that type.

By Mr. Cook:

Q. 3 p. m., Frances Kennedy, comedienne. Could that period have been employed for these public purposes? A.

The period might have been employed for public purposes; yes.

Q. 3:30 p. m., Travel Talk (Scotland)? A. That travel talk was one of a series which covered every country on the globe, prepared by some of America's most noted travelers, and was run in connection with a musical background.

Q. Mostly music? A. No, sir.

Q. Within 15 minutes how much travelogue and how much music would be furnished? A. The theme with a musical background for the talk.

Q. In other words, music and lecture? A. The theme required approximately a minute and a quarter, and the musical background continued through the talk. It was not a lecture; it was just a talk regarding various points of interest in the different countries.

Q. Who furnished that for you? A. A syndicate service; the name of it I do not recall.

Q. By record? A. No, sir.

575 Q. You just read it? A. Wherever we use transcriptions or records I have noted the same.

Q. 3:45 p. m. That is in the way of the school hours in the afternoon? A. That is at the end of the school period.

Q. The last 15 minutes? A. No; it is next to the last 15 minutes.

Q. Dance recordings? A. Yes.

Q. That was record work? A. On there.

Q. Could you have used that time for school children's educational purposes or instruction in community development? A. That program was frequently used for that purpose.

Q. You mean, that period was frequently used? A. That period; yes.

Q. Then you signed off at 4 p. m., the end of the school hours? A. We did.

Q. I find at 3:45 p. m. on July 3, 1930, a request program. Was that educational? A. That was a popular program.

Q. Somebody would ask for "The Banks of the Wabash" and you would give it to them? A. Yes.

Q. 3:45 p. m. on February 19, local events, sports and news summary. A. That is right.

576 Q. Furnished by your local paper? A. By the local paper, also by United Press, Associated Press, Consolidated and International News Service.

Q. On January 16, 1931, 3:45 p. m. shows Marathon Dancers' program. What is that? A. Right. That was a program which presented these dancers who were then dancing in a marathon.

Q. Where? A. In the Elks Temple building at Gary.

Q. Was that for educational and community development purposes—the dance marathon? A. That portion of the program was popular at that time.

Q. You said just now it was frequently used for educational purposes. A. It was frequently used for educational purposes.

Q. This is within the past six months, it is not? A. Yes.

Q. On Monday, December 22, at 3:30. and, I assume, through to 4 o'clock, the program was the dance marathon for the moment? A. It was.

Q. And no more educational or community development— A. This was a commercial program.

Q. A commercial program? A. This dance marathon.

Q. Very well. At 12:45, arrival and departures of vessels. You have explained that, that that was the arrival of coal and iron ore at the Illinois plant? A. Yes.

577 Q. Does the Illinois plant haul any ore by train as early in the season as December 22? A. I should say in connection with that that at times the season varies. The Lake shipping closes sometimes in the early part of November or the latter part of October. Other times it runs on until the first of the year.

Q. Running in ore from Three Rivers and Duluth? A. From the Iron Range. It depends on the season.

Q. If it was the actual arrival of tonnage at the Illinois steel plant, how could it arrive if there were no steamers, except by freight on rails? A. I explain it this way. It was an error in this particular day's program, due to the copying of the program board word for word, and I explained it in that manner.

By Mr. Cook:

Q. Do you ever announce arrivals of tonnage of ore, lime and coal by freight over rails? A. Yes.

Q. You announce the receipts of materials in these steel mills in freight cars? A. Carloads; yes, sir.

Q. 3:30 p. m. on December 25, for whatever year it is. I don't think it shows. Do you know what year this
578 is supposed to be? A. 1930.

Q. This does not show the year; it only shows the date. That was chapel music? A. Yes.

Q. You had this dance marathon again on December 24. A. You notice that on Christmas day we had radio chapel music.

Q. On Saturday, December 27, two days after Christmas, at 3:30 p. m. you were still reporting this dance marathon? A. Yes.

Q. At 3 o'clock you had the children's program? A. Yes.

Q. But the dance program was going on at 3:30? A. Yes.

Q. At 3 o'clock on the preceding day, on Friday, the 26th, the day after Christmas, you had at 3 o'clock a charity program, and at 3:30 the dance marathon. A. Right. May I explain this? The dance marathon after Christmas and continuing until the end of the marathon was in connection with our Christmas basket
579-581 fund and what we know as the WJKS Community Fund for providing money and provisions and articles to keep these people throughout the year rather than just ending it at Christmas time.

Mr. Cook: May we now enter a subpœna for the log?

Mr. Cook: I understood, and I thought the Examiner understood, that the logs were here, and when the call was made for them a protest against producing them was made, and we secured a subpœna.

582 Mrs. Willebrandt: By a proper subpœna, properly issued by the Commission, requesting the production of the log books of Station WJKS. The log books are not in Washington. The subpoena was a forthwith subpoena. We cannot produce them for you now, but I will state for the benefit of the record that we have telephoned to the secretary in charge of the station to have them wrapped up and sent forthwith. I may state for the benefit of the record that when I carried the suitcase forward this
583 morning, I thought the logs were in it. I looked in it when it was here, and saw they were not, and

so I did not produce them. Had they been here, I would have had the witness use them when there was a call for their use. The records that are in the suitcase are not the records that are called for in the subpoena at all.

Whereupon further cross-examination of **Frank Morrow** on behalf of WIBO:

Mr. Cook: May I ask if what was, or is, in the suitcase, is the material from which the transcripts were made that were offered in evidence?

Mrs. Willebrandt. No, sir.

Mrs. Willebrandt: He testified that he had made them personally from the logs. He was brought here on a telephone call when you first mentioned that you challenged the statement concerning the records.

Mr. Cook: When I called for the books.

Mrs. Willebrandt: When you asked for more information concerning the records of programs.

By Mr. Cook:

Q. Mr. Morrow, who helped you in entertaining over the radio in the organization? A. You mean as to actual performers?

584 Q. Yes; actual radio entertainment—talent. A. The Monroe Brothers, the Lewis Brothers, Alice Murphy, Bill Keelan, Jack Harrington—

Q. Did they ever bring in talent from a distance and pay them for a given performance of 15 minutes, or half an hour? A. The studio program staff never to my knowledge paid any talent.

Q. So, the paid talent that worked at the microphone consisted of the regular employees? A. The regular staff of the station.

Q. How many in number, counting yourself? A. It differed from time to time. At times there were more than others.

Q. But those you have named were the staff? A. They were the major body of the staff. Of course, as I stated, I do not know about other divisions than the studio.

Q. That is the only division that furnishes entertainment? The persons you have named would have been the regular paid entertainers, such as they were? A. At the particular time.

Q. In radio practice, do you consider an announcer one of the entertainers, or is he the manager of the entertainment? A. The announcer is merely a pair of talking eyes. He is merely to bring those who are listening in the picture of what is going on.

Q. And it costs $300 a week to keep those enter-
585 tainers, besides yourself, going? A. I know nothing of the financial arrangements at all. I had nothing to do with it.

Q. Are you aware that it is stated that your purchased entertainment came to $300 a week in this studio? A. I do not know a thing about the financial arrangements. That had nothing to do with my work.

Q. What was your salary? A. $50 a week.

Q. Then, it would have taken six more like you to have made up $300 a week. Have you been continuously employed at this studio? A. As I have stated, I have not.

Q. Within what periods in the past four years, since the station started, according to your testimony, have you been employed periodically? A. The major portion of the four years, with the exception of enough time to make up approximately five months.

Q. So, there were five months— A. At various times during four years.

Q. I wish to ask you who Mr. Graphols is? A. That is G-r-a-p-h-o-s. That is a typographical error.

Q. Who was Mr. Graphos? A. He was an entertainer featured on much the same order as Prince Rajah.

Q. What kind of an entertainment did Mr. Graphos put on? What is a "reader of men," when it comes to the kind of entertainment he furnished? A. Answering
586 questions that were written by listeners regarding various things. I don't remember just exactly what the questions consisted of.

Q. Did you ever hear him broadcast? A. Yes.

Q. What kind of questions would he answer? A. Questions regarding affairs of the heart—people writing in to find out whether or not they were going to marry the woman they were going with, and that sort of thing.

Q. Speak up so we can hear you steadily. Do not drop your voice, please, sir. In other words, some lovelorn girl would write in and ask him what she should do about her lover? A. That is approximately what it consisted of.

Q. In the week of September 14, 1930, was Mr. Graphos appearing? A. Without looking at the program records, I could not state.

Q. You were there then, were you, in September, 1930? A. In September, 1930, I was at the station, yes.

Q. From a record of programs, it appears that at 3:30 p. m., Mr. Graphos, "Reader of Men," occupied your microphone from 3:30 to 4 p. m. A. A half an hour was his period, yes.

Q. Answering such questions as are illustrated by the love affairs of men and women? A. Together with—in truth, to cover the entire subject, it would be more or less on the order of chirography—handwriting, and that sort of thing.

587 Q. And he would judge the writer from his handwriting, and then read his or her character? A. That is the thing.

Q. And give prophesies. These letters were written to the station by individual persons? A. They were addressed personally to Graphos.

Q. And that was intended for the benefit of the community of Gary? A. It was part of the policy which the station at all times attempted to follow, of giving the people that which they desired, the entertainment which they desired.

Q. You mean giving the individual inquirer, in that case, for half an hour, what the individual might require? A. The volume of mail received on that program was a fair indication of the interest universally in the region in his type of programs.

Q. Was that a paid program? A. That was not.

Q. Was it a sustaining program? A. It was sustaining.

Q. On Tuesday, Mr. Graphos, "Reader of Men," appears to have occupied the stage again from 3:30 p. m. to 4 p. m. Would you say that was correct, if it is on the program as listed? A. If it is on that program sheet as listed.

Q. I will tell you that this is the program sheet attached to the application for renewal of the station's license. A. Then it is perfectly correct.

588 Q. I will state to you that it shows the same thing on Tuesday, half an hour, at 3:30 p. m.; the same thing on Wednesday—— A. I think you will find that it runs throughout the week.

Q. It does, according to this record, except on Sunday. Apparently he did not advise them on Sunday. A. No, he did not.

Q. Could that time have been used for the school children and the community development program, otherwise than in the fashion mentioned on the program? A. It could not have been used for school children, because of the fact that they do not leave the school building until 4:15. As far as the community was concerned, entertaining the public, that is, giving what they desire in programs of any sort—if they indicate they wish more of a certain program, they get it.

Q. Is it your wish to use the school bands during the daytime? A. Yes, sir, at the time when we can obtain them. We would rearrange our programs to suit their convenience.

Q. As a matter of fact, you use them in the evening, do you not? A. Yes, when the night school is on, we do.

Q. Is the "Horace Mann High school" a negro school? A. No, sir.

Q. I observe that on Tuesday, the week of September 14th, at 8:30 p. m., you used the Horace Mann High school band in the evening. A. They were called together
589 for a special concert for radio purposes, by the principal of the school, voluntarily. They appeared and the program was broadcast from the ballroom on the Lake shore.

Q. Then there are some people of the town who prefer the band in the evening? A. No, they do not prefer them in the evening. They prefer the band whenever we can produce the band, whenever we can put the band on the station, and at that particular time it was convenient to place that band on the station.

Q. What is a diversified studio broadcast program, from 10:30 to 11 p. m.? A. A program consisting of popular songs, popular music, readings—that is, dramatic readings —a program of diversified kind.

Q. How many different types of entertainment made the program diversified? A. Depending upon the length of the program.

Q. Half an hour. A. It would contain approximately four types.

Q. Four types. Have you any recollection of the diversified studio program on Wednesday, September 14, 1930? A. At that time?

Q. At 10:30 p. m. A. I have no recollection of the particular program which you mention.

Q. Did you use records at that hour? A. I don't remember the particular program.

590 Q. Did you ever use records at that particular hour in the evening, on a diversified studio program? A. If they were used, it is indicated in the program sheet.

Q. I will say it is not indicated, but I was wondering what four separate studio entertainers would be employed, that you regularly paid and kept there for a diversified studio program. Name the people that put the diversified studio program on, that were regularly there, in order to accomplish that result? A. Alice Murphy——

Q. The regular piano player? A. Yes; and as a vocalist.

Q. That would make two separate ones? A. No, because her piano would be necessary for her singing.

Q. All right. What was the next entertainment? A. Ralph Robertson, harmonica and guitar; the Lewis Brothers——

Q. What was their stunt? A. They presented mountain type dances.

Q. Mountain type dances? A. That is, the old Kentucky mountaineer type.

Q. That means the fiddle—Turkey in the Straw, or something like that? A. That is the idea.

Q. Now, the fourth? A. Then there was a tenor.

Q. Who was that? A. Tom Warrilloo.

591 Q. He is a paid entertainer? A. I know nothing about paying artists. I have stated that before.

Q. If a diversified studio program of such a character appeared on all the weekday evenings of the week of September 14th, at 10:30 in the evening, would that be the character of entertainment that was used at that period, during that week of September 14th? A. That is one program. That is one type of programs. A diversified program was a program which was made up during the afternoon, rather than schedule on our schedule for the following day.

Q. All right. Let me ask you this. You did prepare a program ahead of time? A. Yes, sir.

Q. And it was sent to Chicago, and was supposed to be published? A. The programs that were prepared were published in the local paper. I have seen other programs purporting to be WJKS's programs, that I did not know myself, and I happened to be, at that time, supposedly program director.

Q. Now, were they published in the Chicago papers? A. I have seen programs in the Chicago papers.

Q. Who put them in? A. That is what I have often asked.

Q. Whom did you ask? A. I asked Mr. Johnson.

Q. What did he answer? A. Mr. Johnson gave
592 me no answer.

Mrs. Willebrandt: I object to that. There is no proper foundation laid for hearsay testimony.

Mr. Cook: Does your Honor sustain the objection?

Chief Examiner Yost: Yes.

Mr. Cook: Here is the dominus litis, and the head of the applicant organization. He is present and he can deny what the witness states, if he disagrees with the witness.

Mrs. Willebrandt: Call him.

Chief Examiner Yost: Yes; call him.

Mr. Cook: On the contrary, I am pressing this witness as to his program arrangements. He is the program director. I have a right to ask him, if your Honor please, what he secured from Mr. Johnson, who is now present, and who is his employer, and the applicant here, as to why programs were published which the program director never saw. It is as fair as can be on cross examination.

Chief Examiner Yost: If he knows why they were published he may so state.

Mrs. Willebrandt: Not conversations.

Mr. Cook: I think we are entitled to the answer, your Honor. It is perfectly obvious that this witness offered by the applicant is subject to cross-examination on every aspect of program arrangement, because he was brought here to testify as to what the programs were.

Chief Examiner Yost: The Examiner is of the opinion that he may state whether or not he knows why the pro-

grams were published, or who caused them to be published,
if they were published. He says they were. He has
593 knowledge that they were published sometimes.

Mr. Cook: The witness has testified at length regarding programs, both on chief and in cross-examination. He now states from his knowledge that anticipated programs were published which he had never seen, and he tried to find out why they were published, and inquired, and I have asked him of whom he inquired, and he says of Mr. Johnson, the applicant, manager of the corporation. Now, we certainly are at the very root of our case on this aspect of it. I assert, and purpose to prove by the witness offered by the applicant, that their programs were hodge-podges; that they made up a program, and did not adhere to it. I might remind your Honor that in the days of the West you could go into a restaurant and they would hand you a menu that looked like the Waldorf-Astoria, and if you asked for patois de fois gras, they gave you ham and eggs, which was all they had. That is our case here. We are proving it right now, if the witness is allowed to answer. I will repeat the question, and you can make your objection.

By Mr. Cook:

Q. What did Mr. Johnson say to you?

Mrs. Willebrandt: I object to the question as not proper cross-examination. It is hearsay, and no proper foundation has been laid for any form of hearsay to be introduced.

Mr. Cook: It is the great exception to the hearsay rule, that what the applicant or petitioner in a proceeding has said that is an admission against interest, can be taken from the mouth of any witness, in order to show the attitude and the position of the applicant party to the litigation other than what he has shown on trial. It hap-
594 pens that Mr. Johnson is present and fully able to deny, if he wishes to, or to explain, and it is the fairest exception to the hearsay rule known to the law of evidence.

Chief Examiner Yost: The objection is overruled. The witness may answer.

By Mr. Cook:

Q. Now, Mr. Witness, what did Mr. Johnson say to you when you complained to him about these programs?

Chief Examiner Yost: There is no evidence that he complained to him.

Mr. Cook: Not complained, but asked him a question as to why programs were published which he, as program director, had never seen.

The Witness: When I went to Mr. Johnson and told him, I showed him a program which I had at that time. Mr. Johnson told me it would be stopped, and it was stopped, and I have never since seen other programs than that which I published.

By Mr. Cook:

Q. Let me ask you this. Do you know over how long a period these programs were being published that you had not seen? A. No, I do not, because my interests in program arrangements were confined to the Calumet Region. The programs were given to the people of the Calumet Region through our station calendar, and the WJKS news in the Gary Post-Tribune.

Q. Is that the newspaper at Gary, the Gary Post? A. Yes.

595 Q. And were they followed, and the public furnished what they were offered? A. They were supposed to be followed, as closely as it was possible for us to follow them in the course of the day's programs.

Q. Would the published program of January 15 be the one you would execute on January 16? A. Yes, it should be.

Q. Is the Gary Post-Tribune the only paper published in Gary? A. Yes.

By Mrs. Willebrandt:

Q. Is it an evening paper? A. An evening paper, yes.

By Mr. Cook:

Q. Who are Plada Brothers? A. Hawaiian guitar artists.

Q. Will you take this copy of the Gary Post-Tribune of Thursday, January 15, 1931, and read the program for Friday there appearing, calling off the items? I will state to your Honor, as he calls the hour and the topic, that I will call, from applicant's exhibit 30, the corresponding item at the corresponding time. Start with 7:30 a. m. What does it say? A. 7:30, popular record program.

Q. 7:30 a. m., Pep program (recorded marches). What is the next item? A. 11 o'clock, popular studio program.

Q. 11 o'clock, Emerson School Boys Band, from Exhibit No. 30.

596 Mrs. Willebrandt: Just a minute, Mr. Examiner. If we are going to follow through, let us follow through exactly.

Chief Examiner Yost: It has not been shown that this station authorized these programs or vouched for them or their correctness, in the newspaper.

Mr. Cook: If your Honor please, it was stated by the witness, just before this cross-examination started, that the programs, as published in the Chicago papers, were not the programs that he had superintended, and he protested to Mr. Johnson, and that Mr. Johnson said, "I will stop publishing those programs in Chicago."

Mrs. Willebrandt: Wait a minute. He did not say, "I will stop it." He said, "This will be stopped."

The Witness: Mr. Johnson said, "This will be stopped."

597 Chief Examiner Yost. Let the stenographer read it.

(The Reporter read as follows:)

"The Witness. When I went to Mr. Johnson and told him, I showed him a program which I had at that time. Mr. Johnson told me it would be stopped, and it was stopped, and I have never since seen other programs than that which I published.

"By Mr. Cook:

"Q. Let me ask you this. Do you know over how long a period these programs were being published that you had not seen? A. No, I do not, because my interests in pro-

gram arrangements were confined to the Calumet Region. The programs were given to the people of the Calumet Region through our station calendar, and the WJKS news in the Gary Post-Tribune.

"Q. Is that the newspaper at Gary, the Gary Post? A. Yes.

"Q. And were they followed, and the public furnished what they were offered? A. They were supposed to be followed, as closely as it was possible for us to follow them in the course of the day's programs."

Mr. Cook: There, your Honor. I say this is what he says he gave to the public.

Chief Examiner Yost: Which he testified, as the
598 Examiner recalls, were carried out as nearly as possible.

Mr. Cook: Yes. I want to show how nearly they were carried out on the day in question. I will say to your Honor that this, which we received as a transcript of the log, is more extensive than what was published, and I am now calling upon him to read from the newspaper the shorter statement, with the hour and the item. I will compare it with Exhibit 30, which is said to be a copy of the log.

By Mr. Cook:

Q. Your next item, at 11 o'clock, is a popular studio program. A. Yes.

Q. On the log transcript it says, "11 a. m., Emerson School Boys Band." A. Right.

Q. At 11:30, it says, on the published announcement in the newspaper, "Plada Brothers." At 11:30, on Exhibit 30—there is no 11:30, but at 11:15 it shows the weather report; at 11:20, the Palace Theater Organ, Ross Moore; at 11.45 request period, studio. What became of Plada Brothers, do you know? A. I can explain it, sir.

Q. All right. You had better explain it. A. These programs were written in our office and were sent to the Gary Post-Tribune, each period in detail. The Gary Post-Tribune has the idea, or follows the policy, rather, of no free advertising, and they could not very well refuse to print any radio program at all, but they condensed these

newspaper programs to suit their convenience, and
599 that will be substantiated by others.

Q. I state to you that Plada Brothers are not shown on your log. How did they come to condense what was not shown on your program, and does not now appear in your log, as "11:30, Plada Brothers"? A. They had taken the copy from the radio station in composition. Many times we have been forced to correct, over the air, errors which were made by the Post-Tribune in their composing room on these very things, and if errors appeared in this program, they were corrected over the air the following day.

Q. Let us go on through with this and compare it for the record. At 12 o'clock it shows, Radio Chapel, does it not? A. It does.

Q. That is here. At 12 noon, time signal; 12:02 p. m., Radio Chapel Service, with Mr. Bachemeyer.

Mrs. Willebrandt: Just a minute. If you are going to follow it, show that they correspond.

Mr. Cook: I have stated that it shows here. I am trying not to take any advantage of it.

By Mr. Cook:

Q. 12:15 p. m. is advertised in the Gary Post-Tribune as "Alice Murphy, popular songs." Here we have at 12:20, market briefs, and at 12:30, Prince Rajah, entertainment feature. Can you account for that variation? A. I can.

Q. Let us hear it. A. The fact that, as I stated
600 before, the Post-Tribune condensed our programs to suit their convenience, and any changes that were made were in that fact right there.

Q. At 1:30 they announced, "Happiness Club, Aunt Alice." Is that correct? A. Right. That is what they say there.

Q. At 1:30, you put on the American Legion Safti-gram. Can you offer any explanation of that? A. I can.

Q. Let us hear it. A. The American Legion Safti-gram is of greater interest to the public than Alice Murphy's program at that time.

Q. Did you know that at the time you made up your program? A. I did.

Q. Why didn't it appear on your script? A. As I have stated repeatedly, these programs were condensed by the Post-Tribune to fit the space they had left for our programs.

Q. At 3 o'clock you announced a popular record program, and at 3 p. m. on Exhibit 30, appears "Business Women's Program". What is the explanation there? A. That was a civic program which was substituted for the record program, which is the policy of the station at all times.

Q. At 3:15 p. m. on Exhibit 30, it appears that you put on a Travel Talk, Limehouse Section, London. Your announcement for that hour was, "Among the Poets, Frank Morrow," is that it? A. Right. "Among the Poets," as I explained this morning, is an educational feature.
601 The travel talks are also an educational feature.

Q. At 3:30 p. m. it shows "Marathon Half Hour," and at 3:30 p. m.—that is, the newspaper shows that. At 3:30 p. m. Exhibit 30 shows Frances Kennedy, comedienne. A. Right.

Q. That is on Exhibit 30. So, out of the entire program, published, even as condensed, according to your explanation, in the Gary Post-Tribune, as compared with the schedule for the same period, there was only one actual performance, to wit, the Chapel Hour, is that right? A. Yes.

Mr. Cook: If your Honor please, I would pursue that if we had more of the actual performances, according to the asserted transcript of the log here in January. We do not have the Gary Post-Tribune prior to January 1, and I ask that this sheet of the Gary Post-Tribune, being page 9 of their issue of January 15, 1931, be marked for identification as WIBO Exhibit 7-a.

(The paper referred to, page 9, issue of Gary Post-Tribune, January 15, 1931, was marked, for identification, "WIBO Exhibit 7-A," only one copy thereof being furnished to the Reporter.)

By Mr. Cook:

Q. Did you protest to the editor of the Gary Post-Tribune his garbling of your announcements? A. We did.

Q. And he was still as inaccurate as ever? A. Because the Post-Tribune holds the enviable position in Gary of being the only newspaper in the city.

602 Q. So, you had to accept whatever they printed? A. We had to take what they gave us, or nothing.

Q. So, there was not much difference between what they did in Gary, and what had been going on in Chicago, when programs you never saw were published, and you could not execute them? A. The programs which were published in Chicago were published entirely without the authority of the program staff of WJKS.

By Mr. Cook:

Q. Now, Mr. Morrow, in your programs in behalf of Americanization, and in behalf of foreign language interests, and your general programs, how frequently would you say you made what are called spot announcements, advertising announcements? A. I explained this morning, in earlier testimony, that the programs which contained spot announcements, special Polish programs and special programs in other foreign languages, or if spot announcements were put on the station during foreign programs, it was because of one thing. We had to fulfill contracts which were written by people who paid no attention to our program arrangements, who many times brought into the station, during an evening program, talent which they insisted must go on at that point, disrupting our program entirely, and without regard for any arrangement which might have been made.

Q. That is not the question I asked you. I asked you how often they occurred, no matter what the reason.

603 A. I have no recollection of exactly how often they occurred.

Q. Would that occur twice an hour? A. It would depend upon the announcement time as scheduled.

Q. Would it occur ten times an hour? A. It would not occur that often.

Q. I ask you if you can identify that piece of paper (exhibiting paper to the witness)? A. I can.

Q. Whose handwriting is it? A. That happens to be mine.

Q. That is in your handwriting? A. Yes, sir.

Q. Now, refresh your recollection from that paper, in your own handwriting, and tell me how often you would say, on a particular day, say November 1, 1929, spot announcements would be made? A. During foreign programs, you say?

Q. On that day, during any programs, no matter what they happened to be. A. These announcements were made according to the time that they were assigned in their contracts. I had no right under any condition, to refuse to put them on at the time they were contracted for.

604 By Mr. Cook:

Q. Is the paper which I handed to you a memorandum in your own handwriting, of spot announcements on November 1, 1929? A. As made.

Q. As made. Now, will you please read them into the record from your own handwriting? A. With the time after each?

Q. That time is the time of announcement, is it not? A. Yes; the time the announcement was made.

Q. All right. Read it into the record. A. Motor Cycle Mike, at 11:02; South Chicago Nash, I think that is.

Q. Whatever it is—South Chicago Nash. What is the hour? A. 11:14; Frank Flezno, 11:18; Adams Feed & Coal, 11:23; Heritage Coal & Supply Company, 11:28; Gary Service, Fuel Oil, 11:32; Consumers Coal Company, 11:40;
Superior Meat Company, 1:15; Walter E. Grote,
605 1:20; Foley's Honey & Tar, 1:25; Acme Decorating
Company, 3:15; Kickels Motor Sales, 3:18; Monarch Laundry, 1:28; it should be in the 1 o'clock period; Louis Porter, 3:25; F. Steigerwald, 3:30; Glen Park Furniture, 3:55; Bogeau Plan, 3:58; then Morris B. Sachs, 7:05; Inland Electric, 7:08; Consumers Coal Company, 7:10; Gowens Auto Parts, 10:32.

Q. This is the evening period, is it? A. This is the late evening period.

Q. From 10 o'clock to 12 o'clock? A. Yes.

Q. These are your spot announcements from 10 o'clock to 12 o'clock on November 1, 1929? A. That is right. Red Top Oil Burner, 10:37; Central Broom & Specialty Company, 11:15; Fred Hawkins, Incorporated, 11:20; Superior Meat Products Company, 11:23; Triple H Auto Parts Company, 11:26; F. Steigerwald, 11:31; Hotel Gary, 11:36;

Foley's Honey & Tar, 11:39; Inland Electric, 11:40; Porter Grady, 11:43; Monarch Laundry, 11:47; Calumet Storage Battery, 11:50; Louis Porter, 11:55; W. B. Mitchell, 11:58; Kickels Motor Sales, 12 o'clock.

Q. Is that your initial and name there (indicating)? A. It is, yes.

Q. Signed, showing that that is a proper record? A. Yes.

606 By Mr. Cook:

Q. The second paper which I hand you, dated November 2, 1929, is a similar record of spot announcements in the studio of WJKS, in your handwriting. A. A portion of this is in my handwriting.

Q. Which portion is in your handwriting? A. This portion at the top.

Q. That is the morning portion? A. That is from 11:05 a. m. to 2 p. m.

Mr. Cook: I offer the first sheet, which is all in the witness' handwriting, and the second sheet, showing the period at the upper left-hand corner, being in his handwriting, and marked "X."

By Mr. Cook:

Q. Can you testify that this is a proper record, to your knowledge, of the other hours on that day? A. If it is on that day, it is.

Mr. Cook: I offer the two sheets, and ask that they be marked for identification, WIBO Exhibit 8-A.

Chief Examiner Yost: These are marked only for identification. They are not in duplicate, as required by the rules.

607 (The papers referred to, showing spot announcements from WJKS on November 1, 1929, and November 2, 1929, were marked, "WIBO Exhibit 8-A," for identification, and were withdrawn by counsel for WIBO for the purpose of procuring duplicate copies.)

Mr. Cook: The only reason for not offering them in evidence, your Honor, is that we are not supposed to be on our case at this point, except for the suspension to hear one witness.

By Mr. Cook:

Q. Those are records of time delivery of spot announcements for advertising? A. Yes.

Q. And they were paid for by the advertisers? A. Presumably. I never received the money myself, and never had anything to do with it.

Q. But the program was interrupted to make those announcements, according to the contract schedule? A. Yes.

Q. Approximately every five minutes? A. Something on that order.

608 Redirect examination.

By Mrs. Willebrandt:

Q. I will ask you whether or not it is the policy at the present time to interrupt programs, as was the case two years ago, frequently for the making of spot announcements? A. No.

Q. About how many spot announcements have been made during the day, that interrupt any scheduled program, during the last year, generally? Of course you cannot testify as to each day, but what is the policy of the station with respect to spot announcements interrupting a program? A. Approximately four or five during the day which would interrupt programs. The others are scheduled either at the opening or closing of a program period, and that is the policy at this time, and has been for practically a year.

Q. Were the programs which you identified in your testimony this morning, and which you say were actually broadcast, interrupted, or not, by spot arrangements, in Mr. Cook's words, every five minutes? A. They were not.

Q. How often were any of those programs about which you have testified in your examination in chief, interrupted with spot announcemenst? A. I cannot state with accuracy, but I would say four times would be the limit of the interruptions of programs by spot announcements.

Q. Spot announcements and advertising in that form appeared on the program, on the days about which you testified in your examination in chief, between the
609 items of the program, or otherwise? A. Between the items of the program—that is, at the beginning of the programs scheduled.

Q. How many advertisements in the form of spot announcements would you say you are running at the present time today? A. Approximately seven.

Q. Seven spot announcements are running now? A. At the present time.

Q. Then you have some sponsored programs now? A. Yes, we have some.

Q. About how many sponsored programs, on the average? A. Three.

Q. You have testified now to seven spot announcements by paid advertisers, and three sponsored programs that are paid advertising programs. What other advertising features, if any, appear in your programs at the present time? A. There are no advertising features at the present time that I remember, without resorting to the record, other than those mentioned in the classification.

Q. Then, from your testimony, are we to understand that you have probably about ten advertisers a day? A. Yes, at the present time.

Q. Seven of those in the form of spot announcements? A. Yes.

Q. Of the spot announcements, you said that perhaps not to exceed four or five interrupt programs? A. That is right.

Q. Why do they interrupt programs? Is it because of the time of day they have contracted to have their
610-626 advertising announcements? A. It is because of the time they were scheduled for in their contracts.

Q. Are they a part of any particular program? A. No, they are not.

Q. Have you counted, in that list of advertisers, the Gay Mill? A. Yes, that is one of the advertisers.

627 *Testimony on Behalf of Station WIBO.*

Whereupon **T. A. M. Craven** was called as a witness on behalf of Station WIBO and, having been first duly sworn, testified as follows:

Direct examination.

By Mr. Boyd:

Q. Please state your name and qualifications. A. I am a consulting radio engineer with offices at present in Wash-

ington, D. C. I graduated from the United States Naval Academy in 1913, and from then until December, 1930——

Mrs. Willebrandt: Pardon me just a minute. Are you qualifying him as an expert? We will stipulate his qualifications.

Chief Examiner Yost: Very well.

Mr. Boyd: I would like to have the record show his qualifications.

Chief Examiner Yost: The Examiner has no objection.

The Witness: I graduated from the United States
628 Naval Academy in 1913 and from then until December, 1930, when I voluntarily resigned my commission as Lieutenant Commander in the United States Navy, I was engaged continuously in the arts of radio.

From 1913 to 1930, I was alternately at sea and on shore in the capacity of Radio Officer in the Fleet and in charge of administrative radio operation and engineering under the supervision of the Director of Naval Communications and the Chief of the Bureau of Engineering, Navy Department.

From 1923 to 1926 and in 1929 and 1930, I was in charge of the Radio Research and Design Section of the Navy Department.

I represented the Navy Department at the various National Radio Conferences called by President Hoover, then Secretary of Commerce, and I have represented the United States as Technical Advisor with respect to allocation engineering in practically every international radio conference since 1919.

In 1928 and 1929, I was an engineer on the Federal Radio Commission in addition to my duties at the Navy Department.

During the past two years, I have made special intensive studies of the particular phases of allocation engineering which pertain to practical broadcasting, and have had the good fortune of being able to observe conditions in various parts of this country as well as abroad.

Since 1930, I have been in private practice, my only connection with the Navy now being a commission as Lieutenant Commander in the Naval Reserve Force.

I am a Fellow of the Institute of Radio Engineers, as well as a member of other organizations interested in the
629 problems of radio.

I have collaborated in the writing of a technical

textbook with regard to radio engineering, and I have written several essays with respect to the problems of frequency allocation, all of which have been published.

Q. State what your practice is with respect to investigations regarding radio stations involved in changes of frequency? A. As a rule, I first make, or cause to be made by competent engineers, a complete engineering survey of the station's equipment, in order to ascertain the facts as to its efficiency. I cause to be analyzed every factor, including frequency control, intermediate stage balances, power amplifier efficiency, amount of distortion in the power amplifier, losses in harmonics, and so forth, and, in particular, antenna efficiency. I then tabulate the losses that seem abnormal. This is done to show the facts in so far as engineering is concerned, as to the effectiveness of the use being made of the franchise granted the station. In determining the efficiency of the station, I cause to be made a complete field strength survey of the station and its signals by competent engineers equipped with apparatus properly calibrated and compared with that used by prominent laboratories. In this field strength survey, not only are data collected as to the efficiency of the station in question, but also the character and amount of interference on the same and adjacent frequencies. This is compared with observations which have usually been taken at the station over a period of time in a qualitative manner. If another frequency has been
630 applied for, I make field strength surveys in the territory of the station applying for the frequency to determine, as accurately as possible, the amount of interference to be expected on the new frequency.

Q. Why do you exercise such precautions? A. I
631 take these precautions in order to eliminate guesswork, and in that I think I am in agreement with most engineers, that field strength measurements will give you quantitative and more exact data as to the actual strength of signals and the comparison of interference ratios.

Second, I do it to eliminate, with as much accuracy as practicable, opinions and the vagaries of the human ear. As you know, you can put people in a room and have them listen to a receiver, and some will detect interference, and some will not. Some will accept it, and some will not. It is just

a question of opinion among various people as to whether it is acceptable, or not. We find, as engineers, that it is essential, in order to eliminate guesswork as much as possible, to have some field strength ratios and have some predetermined yardstick with which to compare the actual ratios taken in the field with what is considered acceptable, or objectionable, or what not.

Third, I use it to secure data with which to compare
632 the data taken in the field with accepted yardsticks.

Fourth, in the case of a request for a change in frequency, I try to eliminate the possibility that the inefficiency of the station is the cause of the trouble, rather than the frequency assignment, and thus possibly save expense to a client.

By Mr. Boyd:

Q. What are the vagaries of the human ear? A. During a period of time I have conducted tests to find out just what these vagaries are when one listens to a station over an ordinary household receiver. I testified to this in a hearing on the revocation of General Order No. 7. I will not go through all that testimony, but if I can sum up, I will state that there was a test made in which there were eight engineers, three lawyers who had to do with radio, and——

633 Mrs. Willebrandt: I object.

Chief Examiner Yost: Let us see where he is leading, to see if it has any relation here. He may state what he knows of his own knowledge.

The Witness: I found that various people disagree as to what is an excellent program from the point of view of interference, what is acceptable, what is unsatisfactory, and what is objectionable. Engineers disagree among themselves as to the ratios of field strength which cause an unacceptable program or objectionable program; and men and women disagree. Therefore, it is a very difficult thing to say that in my opinion a certain program would be considered excellent. It might not be considered excellent by someone else.

It all came down to the ability of the human ear to discern the amount and the character of interference, and to judge the acceptability or objectionable features of it.

By Mr. Boyd:

Q. What are your standards as to objectionable interference? A. I have, for purposes of reference, divided interference into four general classes, or divided programs, from the point of view of interference, into four general classes. I consider reception, from the point of view of interference, excellent when you can notice no cross-talk in the pauses of the program of the desired station. There is a complete absence of the thing called flutter. I consider a program acceptable where heterodyne or cross-talk are noticeable in the pauses, but not noticeable except to the
634 most experienced and sensitive ears during the program transmission from the desired station. There is still an absence of flutter. I consider a program unsatisfactory when heterodyne or cross-talk are noticeable during speech, but not noticeable during music transmission. I consider it objectionable when there is cross-talk, heterodyne, or flutter present to a noticeable or marked degree, and interfering markedly with the program.

Q. What ratio of signal strength is the limit of acceptable service of the desired station, with respect to interference? A. That depends somewhat on the characteristics of the mythical average receiver, but, taking various tests during my experience, and taking what we might call an average receiver, and with average judgment of the engineers; it also depends on whether it is on the same frequency or adjacent frequencies. On the same frequency, heterodyne interference, in my opinion, will not be objectionable at ratios of 200 to 1, for 1,000 cycles difference. By 200 to 1, I mean that the signal from the desired station is 200 times that from the undesired station.

At ratios of 100 to 1, the program will be still excellent for 500 cycles difference. At 40 to 1, it will still be excellent for 100 cycles difference between the two stations on the same frequency. At 20 to 1, it will be, so far as heterodyne is concerned, not objectionable when the frequencies are 50 cycles apart, or less. Flutter, or cross-talk, or cross-modulation, will be objectionable at ratios of 10 to 1. Cross-talk is not objectionable to many people at ratios as low as 20 to 1, but I prefer 40 to 1 for acceptable service.

635 On different frequencies, 10 kilocycles separated, objectionable interference would be considered to exist between two stations separated in frequency by 10

kilocycles when the field strength of such cross-talk is as much as 1 to 1.

Objectionable interference will be considered to exist between two stations separated by 20 kilocycles, when the field strength of such cross-talk is 10 times as great as that of the desired station. Objectionable interference would be considered to exist between two stations separated in frequency by 30 kilocycles, when the field strength of such cross-talk is as much as 100 times as great as that of the desired station. For 40 kilocycles, the interfering station can have a field strength of 500 times as great as that of the desired station. These figures are gotten up as a result of observations and experience in the field, and are my best opinions.

Q. State what you know of antenna losses.

Mrs. Willebrandt: That is, just generally?

The Witness: Yes. An antenna absorbs power when supplied with radio frequency currents. Some of this power is radiated as energy in the form of an electromagnetic field. Some of this is radiated as ground waves and is useful to an aerial adjacent to the station, while some is radiated as sky waves and is not useful within a distance of several miles from the station. The rest is consumed in various ways, and is a complete loss, as it contributes nothing towards radiation, either in the sky wave or the ground wave.

Power usefully radiated is best determined by taking measurements of the actual field strength to secure
636 the effective height of the antenna. The effective resistance of an antenna consists of radiation resistance and loss resistance, and radiation resistance can best be determined as the result of field strength measurements to secure the effective height of the antenna.

We have, therefore, two types of power-consuming things, as measured possibly by radiation resistance, first, and second, by loss resistance. Loss resistance is due to a number of factors, namely:

(1) Loss in poor dielectrics in the neighborhood of the aerial;

(2) Loss in the resistance of the aerial;

(3) Loss in the resistance of the counterpoise, generally the ground;

(4) Loss due to eddy currents in neighboring conductors;

(5) Loss due to leakage over insulators, and so forth; and
(6) Loss due to corona.

(1) The loss in poor dielectrics is due to the hysteresis phenomenon taking place in all dielectrics, and most especially in poor dielectrics such as wood, concrete, masonry, trees, and so forth, which may happen to be in the vicinity of the aerial and hence acted upon by the electrostatic field about the aerial. This loss resistance is analogous to that due to magnetic hyster-sis in iron and is an inverse function of the frequency or a direct function of the wave length. The effective resistance due to dielectric loss must, therefore, increase as the wave length increases, or as the frequency diminishes. This loss is one of the most important
taking place in a radiating system and should be re-
637 duced to a minimum by keeping the field of the antenna free from unnecessary obstructions wherein a dielectric loss is likely to take place. As the highest electric gradient occurs near the end of an "L" or "T" antenna, especial care must be taken to keep poor dielectrics away from this part of the antenna.

(2) The loss in the ohmic resistance of the aerial wire should be kept low by making the wire of large cross-section and good conducting material.

Mrs. Willebrandt: Why not make the questions relate to the evidence in the case? If it is helpful to the Examiner, I do not want to interrupt at all, because we have no objection to having Mr. Craven's theories on electrical engineering placed in the record, except that they have no relationship to the particular issues here involved, unless they are connected with either WIBO, WPCC, or WJKS.

Mr. Cook: He will connect it up.

Mrs. Willebrandt: I think, if he is asked questions about one of those three stations, and then explains his answers,
we will get as much of this as will be helpful.

638 Mr. Boyd: I think this statement is important, Mr. Cook, regardless of whether it is long or short. It reaches to the bottom of this complaint. He explains about interference, and we are going to show why it is caused, if we can. We do not want to burden this record with any statement that we think is improper, but if there are certain ways of correcting interference, and this witness is prepared to say what they are, we think it is material. We would like

to have the opportunity to show to the Examiner such facts as are within the knowledge of this expert.

Mrs. Willebrandt: Usually when you introduce a doctor as an expert, you at least have him examine the patient before he starts expounding his theories of medical treatment. It seems that that is what this is. We are not objecting to his theories. If they are helpful, let them go in. I see that they are running so far afield that I must interpose an objection.

Mrs. Willebrandt: I object until they are connected up with the issues in this case.

Chief Examiner Yost: You may proceed.

The Witness: (3) A counterpoise should have the smallest possible resistance.

(4) Metal masses in the neighborhood of the antenna should be eliminated as much as possible, such as moving metal antenna masts farther apart in order to reduce the loss due to eddy currents; sometimes insulating the masts at the ground also improves the situation when the separation of masts is sufficient at the same time to eliminate dielectric loss.

639 (5) Loss due to leakage around insulators can be reduced by using suitable insulators. A large factor of safety in the use of insulators with proper dielectric constants is essential.

(6) Loss due to corona can be overcome by a proper design of insulators and antenna.

In order to secure the most efficient antenna operation for a particular frequency, it is best to design an antenna for this frequency so that the loss resistance may be at a minimum for this particular frequency.

In so doing, there is a proper relation between the frequency assignment and the natural wave of the antenna, and a proper relation between the horizontal and vertical portions.

It is also to be noted that the intensity factor in a horizontal plane is greater as the ratio between the horizontal and the vertical approaches zero.

In support of these statements I have made, I can refer to pages 863 to 868, inclusive, of a book published in 1927 by J. H. Morecroft on The Principles of Radio Communication, and pages 478 to 486, inclusive, of a textbook published by

George W. Pierce, in 1920, on Electric Oscillations and Electric Waves. These principles have not changes since, in my experience.

By Mr. Boyd:

Q. What are the various ways of eliminating objectionable interference?

Chief Examiner Yost: The Examiner is of the opinion that all this testimony must have relation and application to the questions here raised and in issue; this testi-
640 mony has all been of a general character. Unless it is to be applied to the particular questions at issue here, it has no place in this record.

By Mr. Boyd:

Q. With respect to Radio Station WJKS, have you heard all of the engineering testimony in this case? A. I have heard all the testimony of Mr. Falknor and of Mr. Atlass, I believed.

Mrs. Willebrandt: Ask him to amend his last answer. Mr. Atlass is not an engineer, and was not qualified as such. I do not want the record to assume that he gave engineering testimony.

By Mr. Boyd:

Q. Did you hear the facts stated by the witness? Did you hear the testimony? A. I did.

Q. I will ask you to state the various ways of eliminating objectionable interference? A. One is by improving the ratio of the signal of the desired station in respect to that of the undesired station, by increasing the efficiency of the desired station's transmitter in respect to its radiated power. Of course, another way is to increase the licensed power. Another way is to decrease the signal strength of the interfering station within the service area of the desired station. Of course, we have the change of frequency to another assignment in which the signal strength from the interfering stations on the new assignment would not be noticeable; and, of course, we can eliminate interfering stations altogether.

641 Q. How can the efficiency of an inefficient transmitter be increased, with respect to its radiated power? A. If the transmitter is inefficient, as proved by taking measurements, it could perhaps be improved by a better site. It might be improved by eliminating losses of the antenna system, and eliminating the losses in the transmitter. It could be done by increasing the effective height of the antenna, by utilizing an antenna system in which the energy lost in the sky wave is at a minimum.

Q. Are there any other ways? Had you finished your answer? A. I have finished my answer.

Q. With respect to decreasing the interference from other stations, how can this be accomplished? A. This, of course, has to be a matter of experiment and knowledge of the other stations, and depends a great deal on the type of the antenna system in use at the interfering station; in general I might say that a reduction of the sky wave of the interfering station might reduce the interference. The sky wave might be reduced somewhat by a change in antenna design, if the interfering station has an antenna capable of improvement in that respect.

Q. What can you state as to the interference and efficiency of radio station WJKS, from an engineering standpoint, as you have heard here? A. Of course, as you know, I have not seen the station, but as I have heard here, if I remember correctly, the power that is put into the amplifier is 3,000 watts, as testified to by Mr. Falknor. The output claimed is 1,000 watts. The actual output,
642 judging from the antenna resistance and the current as testified to by Mr. Falknor, or as stated in the application for renewal, is only 612 watts, indicating the possibilitiy of a loss in the power amplifier. However, I cannot state, in fact, that there is a loss, because the effective height of the antenna has not been determined as a result of field strength measurements, and therefore there is not sufficient evidence for me to draw any conclusions as to the efficiency of either the transmitter or the antenna.

643 By Mr. Boyd:

Q. I will ask you this, Commander. Do you recall the testimony of the witness Falknor, while on the stand, with

respect to the measurements of the field strength of Radio Station WJKS——

Mrs. Willebrandt: I object to that.

Chief Examiner Yost: He can state whether or not he recalls the testimony. That was the question, was it not?

Mr. Boyd: I have not finished the question.

Mrs. Willebrandt: It is his opinion as to whether he does recall it, and it is not a proper foundation to lay for the introduction of expert testimony. Expert testimony is based upon hypothetical questions that set up the standards of the reply when the question is asked. They are not difficult for any attorney to frame. Let them be put in that way, and then we will have help from this witness, who is a recognized expert, and who is able to help us here
644 if the questions are put in proper form.

By Mr. Boyd:

Q. First, did you hear the testimony? A. I heard Mr. Falkner's testimony.

Mr. Boyd: That is as far as I got in the question I asked. Read the question as I asked it.

(The Reporter read as follows:)

"By Mr. Boyd:

"Q. I will ask you this, Commander. Do you recall the testimony of the witness Falknor, while on the stand, with respect to the measurement of the field strength of Radio Station WJKS——"

Chief Examiner Yost: He may answer that question.

The Witness: I think I recall it. I was here and heard it all.

Mr. Boyd: I want to go through this record and pick this thing out. I can do it tonight and save time. I will prepare a hypothetical question and go on with it later.

By Mr. Boyd:

Q. I will ask you this question in order to save time. What have you to state with regard to the antenna structure of Radio Station WJKS? A. The only information I have relative to the antenna structure is Mr. Falknor's

testimony, and noticing the application, in which they stated that the antenna horizontal part was 90 feet; the vertical part was around 75 feet; and that the ends of the antenna were about 15 feet from the towers, which were not insulated. It is difficult for me, from the evidence
645 that was presented here, to form any opinion as to whether that thing is inefficient or efficient. There is not sufficient evidence for me to give an opinion on that. There were some field strength measurments taken at a point some 30 miles away which, as I remember gave results better than would be expected from the average 1-kilowatt transmitter, and far better than the reputed high absorption factor of the territory would seem to indicate possible. However, I cannot draw any conclusions from this, because I have not seen, nor do I know the equipment used by Mr. Falknor in taking the measurements of field strength, except that Mr. Falknor stated that it had not been compared or calibrated with equipment of known accuracy. Nor do I know enough about his method of measurement, especially with respect to the accuracy of his field strength equipment. It may be accurate, and it may not be. From the evidence presented here, I cannot give any real facts as to the efficiency of that antenna. I can give some presumptions, but not facts.

Q. What do you believe, from the facts that you have——

Chief Examiner Yost: In view of the last statement of the witness, the Examiner doubts the wisdom of any questions along that line.

Mr. Cook: You know, experts are allowed to presume. Otherwise they could not function, and we would not have any experts.

Chief Examiner Yost: That can be brought out by hypothetical questions, but he has no right to presume when he says the facts do not justify a presumption.

The witness: I meant that from the facts given
646-652 in the testimony, not having seen the equipment, there is not sufficient evidence for me to judge of the efficiency of that thing either for or against WJKS.

Chief Examiner Yost: Upon which to base an opinion as to its efficiency?

The Witness: The only thing I can say as to the antenna, is that in accordance with usual laws, there might be some

losses due to the fact that the thing is so close together, but I did not measure it, nor have I seen any equipment that did measure it, nor any evidence as to the efficiency of that antenna which would warrant me in drawing any conclusions whatsoever.

By Mr. Boyd:

Q. Will reducing the reported or alleged heterodyne or cross-talk to below 100 cycles, eliminate the objectionable features of this interference? A. In my opinion, if you reduce the audibility of a heterodyne to some figure below 100 cycles—preferably 50 cycles or less—and maintain a ratio of 40 to 1, or perhaps 20 to 1 for some people—that is a little too much, in my opinion—but a ratio of 40 to 1, the heterodyne interference will not be objectionable in any way whatsoever. That has been testified to by me and others at the hearing on General Order No. 7 last Monday, I believe it was.

653 Whereupon **T. A. M. Craven**, the witness on the stand at the time of adjournment yesterday, resumed the stand and testified further as follows:

Direct examination (resumed).

By Mr. Boyd:

Q. In your testimony yesterday you gave certain definitions of service with respect to interference, and
654 certain ratios at which this interference became objectionable, did you not? A. Yes.

Q. What does this mean, in general terms? A. That unsatisfactory or objectionable heterodyne interference will be reduced considerably as the frequency difference becomes less for all signal strength ratios between the desired and undesired stations; that cross-talk is unsatisfactory or objectionable at ratios of field strength intensities less than 40 to 1, between the desired and the undesired station assigned to the same frequency; that flutter makes reception unsatisfactory or objectionable at ratios of field intensity less than 10 to 1 between the desired and undesired station assigned the same frequency; that objectionable or unsatisfactory reception due to cross-talk

may occur between stations assigned adjacent frequencies when the ratio between the desired and undesired field strength intensities exceeds the amounts given in the table I presented yesterday; that such standards form a convenient yardstick of reasonable accuracy with which to estimate actual conditions in the field when measurements are taken of the field strength intensities of the desired and undesired station, and this in turn tends to eliminate opinion evidence, vagaries of the human ear, and to reduce it to facts.

Q. If the input to a power amplifier were 3000 volts, and the output as measured by antenna current and resistance were 610 watts, what would you say as to the efficiency of such a power amplifier? A. If the antenna resist-
655 ance were accurately measured I would say that something might be wrong with the power amplifier, in that its loss was more than would be expected under modern engineering practices.

Q. Could you tell the Examiner anything with respect to losses in the present system of WJKS without data in respect to antenna resistance? A. I must have evidence to be assured of its accuracy.

By Mr. Boyd:

Q. What is the best method to obtain the resistance of an antenna? A. By calculation as the result of determining the effective height of the antenna, such effective height being obtained by field strength intensity measurements, with properly calibrated equipment.

Q. Then, do you believe that without this evidence anyone can tell whether or not any antenna or transmitter efficiency can be improved to meet current good engineering standards? A. I do not know how they can, with any degree of accuracy. Of course, any competent engineer knows that an unsound application of generally accepted good engineering practice may bring poor results, but in any particular case he cannot state, without an accurate knowledge of the facts, whether or not poor results are actually being obtained.

Q. Suppose you have a condition in which the
656 ratio of field strength of the desired station is unknown with respect to interference. Could you state, with any degree of accuracy, the degree of service the sta-

tion is capable of performing, with respect to interference? A. Not with any degree of accuracy. However, if I can listen to the interference I can say whether or not it is objectionable to my ear, according to my personal taste, with respect to acceptable service, and whether or not the interference is due to cross-talk, heterodyne, or flutter, and whether the interference is loud or faint.

By Mr. Boyd:

Q. Then, if the predominant interference were heterodyne, and you noticed only faint cross-talk, what would you say as to the elimination of such interference? A. It can be eliminated in so far as the effect on the human ear is concerned, provided both the desired and the interfering station used precise frequency control, in the order of 50 cycles, say, and the ratio of field intensities between the desired and undesired station were in the order of 40 to 1, or greater.

Q. Suppose the heterodyne note were of the order of 1000 cycles. What then? A. The field intensity ratio should be of the order of at least 100 to 1, and preferably 200 to 1, almost five times as great as the frequency difference of 100 cycles or less.

657 Q. Then, if the field strength of Syracuse, on 1360 kilocycles, in the service area of WJKS, were as small as one one-hundredth of Gary's signal, would this 1000 cycles cause heterodyne interference to an objectionable or unsatisfactory degree? A. Yes.

Q. But if this difference in frequency were reduced, say, to 50 cycles, the field strength of Syracuse in Gary's area could be increased to one-fortieth of Gary's signal. Would it or would it not permit Gary to render acceptable service in so far as interference is concerned? A. I believe that it would, if the actual frequency difference, or the heterodyne note, were, say, less than 100 cycles, or without the audible range—that is, using such frequencies less than 100 cycles which might be within the cutoff point of the ordinary loud speaker used in the home. This cutoff point is usually at 100 cycles in order to prevent the hum of the household lines going into the loud speaker.

Q. Suppose the sky wave component were reduced from the antenna of the Syracuse station. What effect would this have on the service of WJKS? A. If the sky wave

component were reduced at Syracuse, I would expect that there would be less field strength in the Gary area from Syracuse, and that would, in turn, permit a better ratio of desired signal to undesired, and might reduce the interference, if any exists at the present time.

Q. Assume that you have an antenna of the "T" type, approximately 90 feet horizontal and 75 feet vertical, separated by metal towers 125 feet apart, not insulated
658 from the ground. What would you expect as to losses and radiation resistance? A. I would suspect losses in comparison with the latest engineering practice, but I would have to know the actual radiation resistance, as computed from field strength measurements, and I would like to have the ground resistance and other facts before answering that question. I can do nothing with respect to this without more facts.

Q. Would or would not moving the towers farther apart, and the antenna away from buildings and telegraph wires, tend to improve the efficiency of the station? A. Possibly. It should improve it. Just how much I cannot determine unless I know the facts as to the resistance.

Q. If you have a field strength of 3000 microvolts per meter at a distance of 30 miles from a 1-kilowatt station having antenna such as described in my previous question, what would you say? A. I cannot give a categorical answer to that, because not all the factors are mentioned. Naturally I have made a study of the field strength of 3000 microvolts, as testified by Mr. Falknor, in an endeavor to find out what the efficiency would be, and I do not know the absorption factor in the case, but with certain assumptions which will take the absorption factor of salt water, which has a very low absorption, it would seem that the radiated power output of the transmitter such as you describe is approximately 309 watts. If we take the absorption factor of .009, such as is found in the flat open country of Kansas, the power output would be 1840 watts,
659 more than the rated power output of 1000 watts. If the absorption factor were .02, which is what we find in some cases over rough average country, the power radiated from the antenna such as you describe would be approximately 2500 watts, which is far beyond what we would expect. Therefore something must be wrong with the 3000 microvolts per meter from an antenna such as you

suggest. Either the absorption in the transmission is negligible, or the absorption is large and the station is more than efficient, we will say, for the type of antenna used, or the equipment used to measure the field strength was not accurate, or, if it was accurate, an error might have been made in that observation, or not sufficient observations were made, or there might have been sky wave radiation. I note that you did not mention when the 3000 microvolts reading was taken. If it were taken in the daytime, it would not be sky wave. If it were taken at night, it might be sky wave radiation. In any case, the setup you gave me does not represent the average condition we find for certain stations of similar power. With certain stations of 1 kilowatt power, if the station happened to be of very great efficiency, the 3000 microvolts field intensity did go out 30 miles, approximately, but the absorption was low in that case. In another case the field intensity for a 1000-watt station on 1220 kilocycles—the first case I mentioned was on 500 and some kilocycles, I believe—in the 1220 kilocycle case, the 3000 microvolts was only noticed at a distance of around 10 miles. On another station on 1260 kilocycles, with 1000 watts power, at a distance of 30 miles the microvolts were around 500.

660 Coming back to the 1220 case, at 30 miles the microvolts were about 750 microvolts per meter. Going back to the lower frequency, at 30 miles the microvolts were of the order of 2000. These stations are actually in operation, and we may find that the conditions which you stated would not hold good.

It seems that the 3000 microvolts is something I cannot account for.

Q. As to field strength measuring equipment which uses no meter or measuring device in the receiver detector, and depends on a volume indicator at the receiver output to compare microvolts per meter, what would you say as to its accuracy? A. I hesitate to answer that question for reasons which may be understood, but I would also, before answering, require a check of its performance against the standards of prominent laboratories. Without this check I could not very well accept any instrument as being accurate, because my experience is that it is better practice to measure radio frequencies, modulated or unmodulated, in the detector input rather than the output, but that may

not hold good in this particular instrument you mention. I do not like to give very much of an opinion on that without comparison with the laboratory to determine its accuracy.

Q. In an antenna such as described, would you expect exceptional efficiency as to useful radiation within 30 miles, on the 1360 kilocycle channel? A. I would not expect it, but in the winter time the sky wave radiation may predominate at 25 or 30 miles. I would not expect the
661 ground wave to be anything more than normal. I do not know anything about the absorption factor.

Q. If you found the mileage separation between WFBL and WJKS, both operating on 1360 kilocycles, with a power of 1000 watts at night, to be 600 miles, what would you say would be the result in the good service area of Station WJKS? A. Under the engineering practice usually found in regional stations with respect to antennae, and with the present liberal provisions of the Federal Radio Commission with respect to frequency maintenance, I would expect objectionable interference due primarily to heterodyne.

Q. Suppose the antenna system at each station were changed and the frequency control requirements made more stringent. What in your opinion would be the result in the service area of Station WJKS? A. If the antenna system were changed to produce an increased radiated ground wave energy and less sky wave radiation than in the first instance, and the frequency were maintained to within 50 cycles or less, I would expect an improvement in the service of WJKS.

Q. As to the interference to be expected in the good service area of WJKS, if they were assigned to 560 kilocycles with 1000 watts power, and the interference they would create to other stations on the same frequency, what have you to say as to that? You may use Station WIBO as a basis if you care to. A. I cannot answer that question without either listening on 560 most carefully in and around Gary, or seeing accurate field strength measurements
662 of the field strength. Further, it depends a great deal on the antenna efficiency at WJKS and the arrangement of the antenna. I have no accurate information with respect to the characteristics of that antenna, and cannot estimate its performance either from the point of view of efficiency or from the point of view of interference proba-

bilities on 560 kilocycles. Listening to WIBO reception in Chicago would not be a satisfactory basis, or a sufficient basis for me to make a proper estimate in the case of WJKS, which is in a different location, with different antenna conditions.

Cross-examination on behalf of the applicant.

By Mrs. Willebrandt:

Q. You have mentioned antenna improvements as one of your recommendations designed, under ordinary circumstances, possibly, to eliminate interference. A. Yes.

Q. Would or would not the antenna changes that you have suggested as possibly bringing about an improvement of reception in the service area of WJKS, Mr. Craven, include adjustments of the antenna of the Syracuse station, as well as Gary? A. The improvements that I have mentioned, first, increase the efficiency by some means, perhaps, of the antenna of WJKS. That would help to increase the ratio of desired signal to undesired in the service area. Also an improvement in the antenna, if it can be improved —I have not seen it—of the Syracuse station, would
663 also tend to reduce the interference in Gary's area, and that also would help to increase the ratio between the desired and undesired signal in Gary.

Q. Have you ever examined the Syracuse station? A. I have not.

Q. Have you ever examined or seen the Gary station? A. I have not. My assumptions were that these things were capable of improvement. I think I made it clear that I did not know whether or not they could be improved.

Q. Assuming they can be improved, your position is that improvement to Gary might increase the signal enough to help push back the interference a little farther? A. If the antenna can be improved—and my theory is that it can, judging from other similar instances in other stations —it would increase the ratio between the desired and undesired signal, and therefore consequently improve the service of the desired station, the nearer station.

Q. I may say, in preface to my question, Mr. Craven, which I am going to ask you next, that it is not designed

to secure from you any modification of your reply or any elaboration of your recommendations for very exact and prolonged accurate field strength measurements in order to arrive at an exact mathematical and accurate engineering conclusion; but have you any reason to believe that an engineer, trained and qualified as such, who has actually listened throughout the service area of any station, and who has made some observations of that, would not be better able to judge of the interference, and even its causes,
664 than an engineer who deduced, from impartial facts, his conclusions? A. I hope you have not drawn any conclusions from my testimony that I thought that the engineer who did examine the station was unable to draw any conclusions of a positive nature. I believe, as I mentioned in one of my answers this morning, that the engineer could, or any person, including myself, could determine whether or not there was interference, and the character of that interference, and whether it was loud or whether it was faint, and whether it was objectionable to his ear or not. I would like to make clear that I have witnessed many times tests of the ability of an engineer to judge whether a program is excellent from the point of view of interference; whether it is acceptable; whether it is objectionable; or whether it is not. I do know that there are various standards among engineers, of what we consider objectionable and what we do not consider objectionable, and that these standard- vary just as much among engineers as they do among other people. All I am trying to say is that if you do have field strength measurements of some degree of accuracy, and can compare them with a yardstick, you can give probably it better than your own opinion, because you eliminate the factor of the human ear as to what the conditions are.

Q. Your results, then, are more mathematically accurate, and have been weighed better, and are less in the opinion class? A. That is my stand on the thing. Others who can see it can judge better from the actual results.

Q. In connection with that, it is well known that poor folks have poor ways, are regional, stations do not
665 always conduct these very elaborate tests. How long would you think a test should be in order to be as ideally accurate as you have set up? A. I do not like to say that regional stations are "poor folks" because I

know that in many cases the so-called poor folks have been local stations, and they have gone through in order to determine the facts. Naturally no one likes to bear a large expense, but where a change in frequency is involved, and the issues are so great, it is sometimes necessary to bear that expense if they want to get an improvement, and it would take more than one or two observations to make that survey.

Q. To reach these ideal standards you have set us? A. I do not like to call them mathematical or ideal standards. They are practical measures.

Q. As perfect engineering standards as we can get? A. Of course, I do not want to have such precise things as you consider in a laboratory. All those who are familiar with it consider these more or less practical standards, and they can be arrived at within a reasonable time—at least not more than a week's measurement over a period of time. That would not give all the facts, but that would be sufficient.

Q. A week with an engineer, using all his time and his apparatus? A. Yes.

Q. What time of the year would you say that week
666 ought to be? A. Of course, you are bringing in questions of economics to this thing.

Q. No. I mean, does weather affect your results at all? A. Of course it does.

Q. So, if you choose your week in the summer, it would not be an accurate picture of winter reception, would it? A. Not at all. Neither would winter be an accurate picture of summer reception.

Q. In order to get an accurate picture, you should have more than a week, and you should have these tests conducted periodically through a fair range of weather conditions, should you not? A. The best way to do it is, of course, to have the station itself make observations of its own during the year, and then check those observations with your engineer, by taking field strength measurements which you can use as a yardstick. Two measurements taken at nighttime are very dangerous.

Q. As an engineer, you point out the inaccuracy of merely ear results? A. Yes. That depends upon the person.

Q. The service area, from the standpoint of the reception, so far as the public is concerned, means average ear

results, or average mechanically measured results? A. In order to best illustrate that, what I really mean is this. This is a little aside from the point. This can be best demonstrated by a particular type of experiment which I would like to have you come to and vote for yourself,
667 as to whether you consider a certain degree of interference objectionable to you or not. I think you would be surprised at your own results. I have what we call the average citizen accept far more interference than the engineer does. You cannot judge by that. The engineer is probably trained to listen for that one point of interference, and when he notes — he will put it down. The variation between engineers is great. The variation between men and women is great. Men accept more than women in the way of objectionable interference.

Q. Then, you would say that consistent complaints of interference by listeners who, as you have pointed out, accept more interference than engineers, would probably indicate a greater volume of interference than an engineer's report? A. Engineers would indicate a greater volume of interference than the public?

Q. Yes. A. Engineers always complain of interference before the public does.

Q. You are correcting me properly. I will turn my question around. The public objecting would indicate that there had been a much greater volume of interference before they objected than in the case of an engineer? A. Yes.

Q. What would you say as to interference, objectionable or otherwise, where you can hear another program coming in distinctly enough to identify the call letters? A. You mean faintly?

668 Q. Yes, or otherwise. A. When do you hear that?

Q. At night, when you can hear the call letters of another station. A. Do you hear it during the time the program of the desired station is on, or during the pauses?

By Mrs. Willebrandt:

Q. Ordinary receiving sets have directional antennae, do they not? A. Some have.

Q. Most modern sets have, have they not? A.
669 They used to have them. I have not a directional antenna on mine. I have just an ordinary antenna.

None of my friends have directional antennae. They discarded them some time ago, but they do have them, all right, and they used to be sold in large amounts.

Q. You would say, then, that most of them now do not have them? A. The reason we have not a directional antenna on ours is because of the fact that sometimes we could not get some of the stations we wanted, and we did not want to have the coil moving around. Many people have sets with directional antenna on them.

Q. Would you say that hearing from a receiving set that does not have a directional antenna, a program of an interfering station coming in loudly enough so that you can identify the call letters of that station, is or is not objectionable interference? A. I really want to be fair to you in answering this question. If, during the actual transmission of the voice or the music, you can hear in the background that interference, it is objectionable, naturally. If it is faint, you might have a hard time detecting it. If you hear it only during the pauses, I do not call that so objectionable. If you hear it during the speech, and not the music, it brings it down on the border line between being acceptable and objectionable. It depends on what your test is. What you will stand for. It depends on the listener a great deal.

Q. What is your engineering judgment as to the objectionable interference—not technically, but just
670 average. As an engineer, what do you say people in the community ought to have, reception where they do not hear in the background another station coming in, or reception where they do hear another station coming in in the background? A. I would like to give my definition of what I consider excellent service.

Q. I do not want the definition now. We have had all that. Let us get down to what you think as an engineer, people in a community ought to have—reception where another station is coming in as a background during the music and the speakers and announcements, or faintly coming in, or not? A. I do not like to answer that question, because they might not be able to have any service at all if they did not have any interference at all. Most of the stations have interference, and some of us will stand interference in order to get our own programs.

Q. I am not asking what you stand. I am asking what your standards as an engineer are. What kind of service do you believe, as an engineer, you would call good service to an ordinary ear—where they can hear in the background two stations—— A. I would consider it acceptable service where there is cross-talk and heterodyne in the pauses of the transmission of the program from the desired station, as a background, but not with sufficient strength to render the reception unsatisfactory to the majority of people during the actual transmission of the speech and music; and there is no flutter. That is acceptable service.

671 Q. Just laying your notes to one side for a minute, would you as an engineer come here and testify that a community was getting satisfactory service if you went around all throughout the community and listened in on receiving sets, average, modern, up-to-date receiving sets, and wherever you went you heard another station coming in in the background of the home station? Would you call that satisfactory service, if there was not any flutter, if there was just a little murmur in the background so that you could faintly distinguish the call letters?

Mr. Cook: If the Examiner please, we object to that question because there is no foundation laid in this record showing that kind of a condition in Gary, Indiana.

Mrs. Willebrandt. I have not tied it to Gary, Indiana. I am testing his standards of good, acceptable, and other kinds of service here. The question is proper.

Chief Examiner Yost: The Examiner is of the opinion that it is proper cross-examination.

Mr. Cook: The record will show that there is no foundation laid in the evidence of this case to support Mrs. Willebrandt's question as a hypothetical question proper here.

Mrs. Willebrandt: Certainly it is hypothetical.

Mr. Cook: Then we renew our objection, because that presupposes a premise laid, and a predicate for the question in the record in this case, and there is no such predicate, and no such premise.

Mrs. Willebrandt: In direct examination he was reading the definitions of what he called acceptable and satisfactory service. I am getting right down to brass tacks, as to

whether he would call certain conditions acceptable
672 service. This is not all the question.

Mr. Cook: Now, Mrs. Willebrandt, you do not assert that that is predicated on proof in the record, so as to be a proper hypothetical question addressed to this case?

Mrs. Willebrandt: The question stands. I have asked it.

Mr. Cook: Then I object, your Honor, unless counsel will assent to the proposition that it is not predicated on proof. It is not a predicated question, there being no proof of such universal condition in Gary, Indiana, resulting from operations at WJKS, and it should go out on my objection.

Chief Examiner Yost: There has been considerable testimony in this case which, in the opinion of the Examiner, justifies the question of Mrs. Willebrandt.

Mr. Cook: As a predicated hypothetical question?

Chief Examiner Yost: The Examiner would not say
673 that that was true.

Mr. Cook: That is all I wanted to have in the record.

Chief Examiner Yost: But the witness may answer the question as put to him.

By Mrs. Willebrandt:

Q. You can answer that yes or no, and then explain it. A. I do not want to answer it yes or no, because the question is one in which the degree of interference in the background is not described.

Q. I am just giving you what you hear on receiving sets throughout a community—if you did hear that—and I ask you how you, as an engineer, then, would report that service; whether you would say it was satisfactory or not? A. All I can tell you is this, that your definition of "faint" and my definition of "faint" may be different.

Q. I am asking yours. A. If it is faint, I call it acceptable service—very faint.

Q. Even though you may be able to identify the call letters and the program of the outside station? A. If the strength of that station is of the order of less than 1/40 of my desired signal, from the various tests that we have made of various people and their ability to accept or reject the desirability of a program in their own opinion, that type of interference is not objectionable—not to
674 my ear, and not to the ears of most people.

Q. Suppose you did not have any instruments with

you, and you were just an engineer, with the knowledge of an engineer, without any equipment, and you went throughout a territory and listened in on the receiving sets that the people in that community had, and you saw, as you listened, that they were average receiving sets and in most of the places where you listened, or in many of them, you found that you could, with your ear, when the home station was tuned in properly, detect a foreign station's program and call letters, with heterodyne interference. Would you say that was good reception, satisfactory reception, or not? A. If they had a lot of heterodyne, of course it would be objectionable. If you can hear the heterodyne it is audible. There might be heterodyne present but not audible.

Q. I am just talking about you, and what you would report when you had that experience. A. If you can hear that heterodyne, and it is rather an intense whistle, or an irritating whistle, to my ear, naturally that would be objectionable.

Q. Suppose, then, you had your instruments with you, and you found the heterodyne was 100 cycles. How
675 would you classify that? A. Personally I cannot hear 100 cycles. My ear unfortunately does not hear it. That is my misfortune in that respect.

Q. Having your instruments with you, you might determine that there was a 100-cycle interference. A. I could not hear it. Some people can.

Q. Would you say that it was objectionable, if you found that there was a 100-cycle heterodyne interference coming in, along with distinguishing the call letters of a foreign station? A. If I cannot hear 100 cycles, I do not see how I could say that the interference was objectionable.

Q. I am asking what your conclusion as an engineer would be, and what report you would give with respect to the satisfactory character of the service. A. I would have to base my opinion on the opinion of other engineers.

Q. What is your standard?

By Chief Examiner Yost:

Q. Do you regard 100 cycles as objectionable? A. I personally do not regard 100 cycles as objectionable if the field strength is of the order of 40 or less. That is a standard which I maintain—my own standard. That was the result of the opinion of a group of engineers, that when

the field strength ratio is better than 40 to 1, 100 cycles is not objectionable.

676 By Mrs. Willebrandt:

Q. Do you base that on your ears? A. I base that on the ears of a group of engineers, and also laymen. Mrs. Willebrandt, this thing could be best illustrated to you, and to everyone here, by a demonstration of a character of interference. You cannot very well describe it. You are talking about somebody's ears, and you cannot very well describe the thing. I would be very glad at any time to demonstrate it to you, so that you could understand and ask questions on it.

Q. Assume a ratio of 40 to 1. Would that change your answer? Is that what your answer was? Were you assuming a ratio of 40 to 1 in your replies? A. The reply to the previous question?

Q. Yes. A. I was saying that I cannot hear 100 cycles at all. I cannot hear a heterodyne of 100 cycles. Unfortunately, I am deaf on certain cycles on which other people are not deaf. In my opinion I base the 40 to 1 ratio on the results of several tests where the people were men, women, and radio engineers, who happened to be men. Their opinion, as a result of all these tests—and we collaborated them all—shows that at 200 to 1, 100 cycles is considered excellent service. They could not detect anything in the back-
677 ground. At 100 to 1 it was also excellent service. Some engineers noted—and I can give you the votes if you want—heterodyne interference, and others did not. At 40 to 1 it was noticeable to the engineers and the large majority of them voted it acceptable service at 40 to 1. At 20 to 1 it became objectionable and unsatisfactory.

Q. Then you would say that 40 to 1 was satisfactory. That is your opinion? A. That is my opinion of what the average people will accept.

Q. Just you are testifying, not the average people, Mr. Craven, and your opinion here is in this record to be weighed. I am trying to find the values. Perhaps you got your values from what you found the average to be. A. My opinion is 40 to 1.

Q. Do you consider 40 to 1 acceptable or not? A. That is acceptable service in so far as heterodyne is concerned.

Q. You would not consider it objectionable until it got to 20 to 1? A. 20 to 1, yes.

Q. You would not call it objectionable if, throughout the local community, you sat in at the receiving sets which were average receiving sets, and found a 40 to 1 interference, and such cross-talk that faintly you could distinguish the call letters of an incoming station?

678 Chief Examiner Yost: The witness may answer.

A. At 40 to 1 I would not expect——

Mrs. Willebrandt: Excuse me just a minute, Mr. Examiner, but if this witness's testimony is to become as useful as it ought to be, as a proffered expert, and as I believe he is capable of making it, we must get down to a yes or no standard of what we can measure it by.

By Mrs. Willebrandt:

Q. That gives you a condition. Won't you answer yes or no to it, and then explain all you want to?

Mr. Boyd: I think the witness ought to be permitted to answer as he sees fit.

Chief Examiner Yost: Where questions can be answered yes or no, they should be answered that way, and the explanation will be permitted to follow.

Mr. Boyd: Is he required to make the answer yes or no?

Chief Examiner Yost: Where that is proper; where it can be answered yes or no.

The Witness: You see, I am in an embarrassing position here, Mr. Examiner, in talking perhaps a little different language from the Examiner. Your definition of "faint" and so forth may not be mine.

By Mrs. Willebrandt:

Q. I am only asking for yours, Mr. Craven. Read the question again.

"Q. You would not call it objectionable if, throughout
the local community, you sat in at the receiving sets
679 which were average receiving sets, and found a 40
to 1 interference, and such cross-talk that faintly you could distinguish the call letters of an incoming station."

By Chief Examiner Yost:

Q. Would you or would you not? You can answer that and then explain. A. No; I would not consider that objectionable, with 40 to 1 interference.

By Mrs. Willebrandt:

Q. Assuming that a station is operating on 1360 kilocycles, with 1000 watts power, how high would its antenna have to be in order to suppress the sky wave? A. There are three general ways of so-called sky-wave repression in the antennas.

Q. Just a minute. Let me refresh your recollection as to what I am driving at in that question. In your examination in chief you said, reading your reply, that sky waves could be reduced by making the antenna higher. A. I did not say that—oh, yes; the effective height higher.

Q. Yes. A. I did not say that. I said the efficiency of the antenna might be increased in so far as useful radiation is concerned, by an increase in effective height. It has nothing to do with the sky wave.

Q. What would be the purpose of increasing that effectiveness? Would it be to get rid of the sky wave? A. I was not referring to that at all in that answer.

680 Q. Does not the sky wave cause interference at distances? A. Yes.

Q. Then, if you found that a station operating on 1360 kilocycles was actually causing interference, and coming in on another station at a distance, and you, as an engineer, wanted to correct that, what would you do? A. I would do the same thing that some others have done. I would try to find ways of increasing the ratio of the desired and undesired signal. That is the first general way. In trying to increase that ratio I would try to improve my own antenna system first by trying to increase its efficiency with its present general layout.

Q. Assuming you got its efficiency otherwise up to the maximum, and you still found your sky wave coming in and causing interference, and you wished to remove that, would you increase the height of the antenna? A. I would change, probably, the antenna structure entirely, by one of three methods.

Q. Assuming you did all the changing that you wanted in the structure of it—I am just addressing my question to height, because you talked about height. A. You are talking about quarter-wave and half-wave antennas, and I am not.

Q. I am only talking about what you said. You said you would raise the height of your antenna structure. Assuming you have made every other change in the antenna structure of a station you wished to correct an interfering sky wave from, and you still find that your interfer-

681 ing sky wave is coming on——

Q. Would you or would you not elevate your antenna? A. Not necessarily. I did not say that I would increase the height of an antenna in order to eliminate the sky wave. I said the efficiency of an antenna in so far as its radiation is concerned could be increased by greater effective height. That has to do with the efficiency of the transmitter, in respect to its radiated wave, both sky wave and otherwise.

Q. Can you tell us what you would do? A. Sky wave elimination is another factor entirely from merely increasing the effective height. The sky wave involves a complete change in the type of antenna, so that the horizontal radiation can be increased and the vertical radiation can be decreased. That is done by three or four general methods, one of which is impracticable, including a full wave vertical antenna. The other way is a half wave vertical antenna. Another way is by using a flat top antenna, and a combination of vertical, and changing the relation of the various currents in phases.

Q. How much does each one of these ways cost? A. I think the latter could be done for around a thousand dollars, if you already have the antenna towers. It is the newest development.

Q. You have suggested several different ways. Would you try them in turn? A. No; I would try the cheapest one first.

682 Q. And then try the others in turn. How much do the others cost? A. It depends on your frequency. If it is for a frequency of 1360, which I believe is a wave around 220 meters, I might try a quarter-wave antenna.

Q. How much would that cost? A. It depends on the height of it. Let me figure it out. That would be a tower of 180 feet high.

Q. An antenna 180 feet high? A. A single tower 180 feet high.

Q. How high is the average antenna? A. The average antenna is around 125 to 150 feet.

Q. You would run this up to 180 feet? A. Vertical antenna.

Q. You do not know how much that would cost? A. I have not any price on a tower that high.

Q. You would scrap the old equipment and put that up. If that did not work what would you do next? A. I would expect that would improve conditions quite considerably. It has in other cases.

Q. But if it did not—you would not positively say that that would cure every interfering sky wave, would you? A. It will not cure every interfering sky wave.

Q. What would you do next, to attempt to cure it? A. I don't know. It would depend upon the pocketbook of the individual, I guess, and what he wanted to do.

Q. As a hypothetical question, referring to no
683 question by name, if two stations were operating on 1260 kilocycles, at 600 miles apart, or thereabouts, and you, by tests satisfactory to yourself, found that there was objectionable interference within the proper service area of one of them, would you proceed to work on the antenna in order to correct that? A. That would be one of the first things I would do.

Q. All right. How many of the stations would you work on in connection with the antenna? A. My own first.

Q. Then, suppose you found that the interference had not been removed. What else would you do? A. I would probably enter into negotiations with the others with respect to interference, such as certain of my clients have done.

Q. Suppose the other station gave you permission to readjust and remake its antenna satisfactory to yourself. Let me ask you, Mr. Craven, if you improved each one according to your ideas, up to its maximum, would you not increase instead of decrease the area of interference?
684 A. I would decrease the area of interference.

Q. Why? A. For the simple reason that I would

expect, by the improvements that I made in the service area of my own station, the loudest signal due to a ground wave, and a decrease, to a large extent, in the sky wave. In the other station I would have decreased their sky wave and increased the ground wave, so that all we would have then would be absorption of the ground wave. I would also have had both stations on a precise frequency control so as to eliminate the factor of heterodyne, and I would expect that in the service area of my own station my signals would be so loud in proportion to the interfering signal that you could not notice any interference.

Q. If you did that for each station, would it be expected to decrease the accepted good service area? A. I would increase the good service area.

Q. Would it increase or decrease the extent to which you sent your signal? A. It might go so far as to increase the field strength of my own station signal to a little greater distance, and it would also have eliminated the interference. Such a thing has been done in practice.

Q. That presupposes control over both stations? A. Or cooperation.

Q. And it presupposes a rough estimate of how
685 much expense? A. That depends somewhat on the circumstances of each station. Assuming that each station had the poorest type of antenna, it would probably involve considerable expense. Just how much I do not know.

Q. Would you say that one station, going to all that expense without control over the other station, would be able to completely eliminate interference? A. The word "control" is not necessary. It is possibly of advantage to have control of the other station, but it has been done through cooperation, because usually both stations are suffering from interference and both will benefit.

Q. What stations now broadcasting on these high frequencies have succeeded in completely suppressing their sky wave? Do you know any that have? A. I do not know any that have completely suppressed it, no. They have reduced it.

Redirect examination.

By Mr. Cook:

Q. Commander Craven, in the engineering science relating to radio transmission there are many mechanical as

well as scientific problems, are there not? A. Yes, sir.

686 Q. Do you consider that Station WJKS has been completely "experted" for all purposes of mechanical and scientific improvement to the maximum of its power under its license? A. Of course I do not know much about WJKS, except the testimony given here.

By Mr. Cook:

Q. Commander Craven, if you knew of a station operating on 1360 kilocycles about which there had been complaint, in a sporadic or general way, as to interference, and you further knew that that station was about to install a new transmitter, would you consider that evidence and testimony as to past interference under an antiquated or defective installation should be considered as showing the

687 anticipation of interference when the new installation goes into operation? A. Of course, I would know nothing about the new installation, and therefore I could not, myself, estimate the interference or lack of interference, or the improvement in efficiency of the new installation, and not being able to do that, I would not be able, without any other premises in the case, to testify as to that.

Q. Then, assume, Commander Craven, that an existing installation in a radio station operating on 1360 kilocycles had resulted in conditions which had been ascertained practically. Would you expect a new installation to result in precisely the same performance as the old installation? A. I would not expect anyone buying a new installation to buy anything as poor as the old one if he wanted to make improvements.

By Mr. Cook:

Q. As a practical matter, do two transmitters work precisely alike?

Chief Examiner Yost: Transmitters having the same characteristics, the same manufacturer and the same capacity?

Mr. Cook: No. My question is, do any two transmitters work precisely alike.

The Witness: It depends on what those transmitters are used for, whether they are used on the same antenna, and under the same load conditions, or not.

688 If two transmitters are exactly alike and are used under the same conditions, there ought to be the same result, if they are used under the same circumstances.

Q. Suppose you have two transmitters not of the same type and character of manufacture and design: will they work precisely alike? A. I could not say that they would.

689 *Definitions of Service with Respect to Interference from Radio Stations.*

(This does not include static and noises from electrical machinery, etc.)

Excellent service is service which is substantially free from heterodyne, cross-talk and flutter. Such interference is barely noticeable to the trained or sensi- ear during pauses in the transmission of a program from the desired station and is not noticeable during the transmission of either speech or music.

Acceptable service is service in which Cross-talk and Heterodyne can be detected as a background in the pauses of the transmission of a program from the desired station, but not of sufficient strength to render unsatisfactory reception to the majority of people during the actual transmission of speech or music. There is no Flutter.

Unsatisfactory service is service in which Heterodyne and Cross-talk can be noticed during the transmission of speech, but is not particularly noticeable to the majority of people during the transmission of music. There is no Flutter.

Objectionable service is service in which Heterodyne, Cross-talk or Flutter are plainly noticeable and are an irritating factor in the reception of the desired program.

690 The following represents a reasonably conservative measure of the ratio between the signal strength of the desired station and the interfering station in the matter of Cross-talk, Heterodyne and Flutter interference as pertaining to the type of service rendered:

Stations Assigned same Frequency—Different Programs.

Type of service.	Frequency difference in cycles.	Relative signal strength of desired station to	Undesired station.	Character predominating interference.
Excellent	500	200	1	
	100	200 & 100	1	
	50	200, 100 & 40	1	
	25 or less	200, 100 & 40	1	
Acceptable	1000	200	1	
	500	100	1	
	100	40	1	
	50	40-20	1	20 cross-talk
	25 or less	40-20	1	20 cross-talk
Unsatisfactory	1000	100	1	Heterodyne
	500	40	1	Heterodyne
	100	20	1	Het. & c. talk
	50	10	1	Flutter & "
	25 or less	10	1	" " "
Objectionable	1000	100	1	Heterodyne
	500	20	1	Het. & c. talk
	100	10	1	C. talk & Flut
	50	4	1	" " " "
	25 or less	4	1	" " " "

691 *Different Frequencies.*

Unsatisfactory or objectionable interference may be said to be present if the field strength of the interfering station at the point of reception exceeds the following ratios:

Frequency difference.	Desired station to	Interfering station
10 kc.	1	1
20	1	10
30	1	100
40	1	500
50	1	1000

J. A. M. CRAVEN.

April 29, 1930.

22—5530*a*

692 **James R. Macpherson** was called as a witness for and on behalf of respondent WIBO and, having been duly sworn, testified as follows:

Direct examination.

By Mr. Boyd:

692½ Q. Where do you live? A. Homewood, Illinois, a suburb of Chicago.

Q. What is your occupation? A. Merchandising director and assistant to the president and general manager of Radio Station WIBO.

Q. As assistant general manager of Radio Station WIBO, what are your duties? A. The general direction of the activities of the station; to assist in the handling of the affairs of the station with relation to programs, broadcasting and other matters pertaining to the station operation.

Q. Are you familiar with the programs broadcast from radio station WIBO? A. I am.

Q. How long have you been in that position? A. More than a year; since about November, 1929.

Q. Have you had any earlier radio experience? A. No.

Q. What was your occupation prior to that time? A. Sales and advertising work.

Q. I hand you a document which has been marked for identification "WIBO Exhibit 10-A," and ask you to explain what it is. A. This is a transcript of program logs of WIBO for February, March and April, up to April 19. I believe the programs for Sunday, February 6, are missing from this transcription of the program logs.

Q. Do you know why that date of February 6 in missing? A. Presumably an oversight—left in the office.

693 Q. Do you know that to be a true and correct copy? Are you able to say whether or not it is a true and correct copy of the radio log of Station WIBO? A. It was made under the direction of myself and Mr. Nelson from the initialed program logs on file in our office.

Mr. Boyd: We now offer in evidence respondent's Exhibit 10-A.

Chief Examiner Yost: It may be admitted.

(Two copies of programs of Station WIBO were received in evidence and identified by being marked "Docket 1156, Respondent WIBO Exhibit No. 10-A," and are filed with the two copies of transcript in possession of the Commission.)

By Mr. Boyd:

Q. Mr. Macpherson, are you familiar with the policy of WIBO with reference to the time allocated to the various actual broadcasts? A. The policy of WIBO is to preserve a well-balanced and diversified schedule of broadcasts in the form of entertainment, information, news, religious programs, educational programs, the broadcasting of addresses of prominent citizens, affairs with relation to community and school activities and, to the best of our ability, a program as diversified and complete as we can produce. I said, "program"; I mean, a schedule of programs as diversified and complete as we can put upon the air for the purpose of entertaining, informing and serving our listeners and the public generally.

Q. How many separate changes of programs per week are broadcast by WIBO? A. Between 300 and 400 changes a week. I made recently a count showing 348
694 changes in the program.

Q. Does WIBO have any chain affiliations in its broadcasting? A. We have had an affiliation with the National Broadcasting Company.

Q. How many National Broadcasting Company programs is WIBO broadcasting at the present time? A. Fifty-eight chain programs were scheduled to be broadcast last week, I believe it was.

Q. What percentage of these programs are sustaining programs or programs from which WIBO does not receive any revenue, or for which you pay in order to give your listeners the features of entertainment? A. Twenty-one of those programs, among the 58 just mentioned, were broadcast without any compensation being received therefor by WIBO. We pay the National Broadcasting Company for twenty of them in order to provide a better quality of diversification of entertainment for our listeners, and from time to time this number has been much larger because of the policy of WIBO to provide the best possible entertainment.

Q. Does WIBO have any local talent? A. We have very good local talent, employing ten musicians in our orchestra which is on duty regularly at all times, and we have access to other talent of very excellent character. Also by reason of our affiliation with the Publix-Balaban & Katz theaters we have access to very good talent indeed and of very great popularity. Each Wednesday night we broadcast direct from the Chicago theatre a program of symphonic
695 orchestral music in conjunction with a regular weekly Chicago theater program broadcast by remote control pick-up located in the Chicago theater; and at frequent intervals we broadcast other remote control pick-ups from the Oriental Theater and Uptown Theater and other places connected with this chain, which is the largest chain of moving picture theaters in Chicago, having recorded something over 25 million admissions last year.

Q. That is a service exclusively broadcast by radio station WIBO in Chicago? A. Yes. That affiliation with the Publix-Balaban & Katz theaters is exclusive for WIBO.

Q. I will ask you to explain for the record what the affiliation is between the Publix-Balaban & Katz theaters and Radio Station WIBO. First, I will ask you how long it has existed. A. As I recall the date, since about February of 1930.

Q. And it has been continuous since that time? A. Yes, sir.

Q. What does Radio Station WIBO do in the way of service to the Publix-Balaban & Katz theaters? A. We broadcast news concerning the moving pictures which are being exhibited in the theaters of the Publix-Balaban & Katz group, twice each day. A broadcast of five minutes' duration is put upon the air, informing our listeners of the shows in the theaters of the Publix-Balaban & Katz group, and directing attention of listeners to programs or schedules of the theaters appearing in the columns of the Chi-
cago Evening American, calling attention to news
696 items which appear in the American, and giving original information concerning the type of pictures and entertainment available to the public in the theaters of the Publix-Balaban & Katz group.

Q. Is there any money consideration passing between Nelson Brothers Bond and Mortgage Company and the

Publix-Balaban & Katz Theaters covering these transactions? A. No; there is no money consideration.

Q. In addition to the availability of good talent for radio broadcasts, what other service to the public results from the WIBO-Publix-Balaban & Katz affiliation? A. Since more than 25 million admissions were recorded in this string of theaters last year, I regard it as being something in which the public is greatly interested. Twice each day a brief review is broadcast concerning pictures exhibited in these theaters throughout the city; reference is made to the news printed in the Chicago Evening American concerning them. The arrangement is carried further by an announcement on the screens in the theaters of Publix-Balaban & Katz which invites theater goers to tune in WIBO; and WIBO believes that this exclusive arrangement with the largest group of theaters in Chicago results in a public service of importance to thousands and thousands of people who have indicated their interest by buying over 25 million admission tickets to those theaters during the past year.

Q. What type of talent does Publix-Balaban & Katz furnish for the broadcasting of programs over radio station WIBO? A. Talent which we regard as being
697 a type equal to if not better than any other talent available, such as some of the famous movie stars and other stage actors, singers, and so forth, who appear from time to time in the theaters of the Public-Balaban & Katz group. Many of those stage stars and other performers, when passing through the city of Chicago with a few hours between trains, are invited to broadcast either from the studio in the theaters of the Publix-Balaban & Katz group, or in our own main studio or in the Chicago American studio in the Hearst Building.

Q. What are WIBO's religious broadcasts? A. WIBO broadcasts nine religious programs each week, consisting of ten hours devoted to such broadcasts. This total of nine religious programs amounting to ten hours is being broadcast by WIBO, and it is believed that it is a very liberal treatment of religion by the station.

Q. What further affiliation has WIBO? A. We have an affiliation with the Chicago Evening American.

Q. How many radio stations in Chicago are affiliated with Chicago daily newspapers? A. Five radio stations

in Chicago are affiliated with the principal newspapers of the city, out of something like twenty stations, I believe, or more, in the city.

Q. What station is affiliated with the newspaper of largest circulation? A. WGN, affiliated with the Chicago Tribune.

Q. What station is affiliated with the newspaper having the second largest circulation in Chicago? A. WIBO, affiliated with the Chicago Evening American with
698 the largest evening circulation in Chicago and, I believe, the second largest evening circulation in the United States.

Q. What value does WIBO attach to its affiliation with the Chicago Evening American? A. The most important value is the great service rendered to the public by the daily printing of WIBO's schedules and feature news in about 560,000 copies of the Evening American each week, which, according to the Government census estimates of four and a fraction persons per home, means that WIBO news reaches homes containing over two million people every day, supplying them with radio news and information enabling them to select good radio entertainment without trouble or inconvenience.

Q. What is the attitude of WIBO towards broadcasting matters affecting the public? A. WIBO broadcasts events and information of help to aviation, as evidenced by the liberal allotment of time devoted to the air races when they were held in Chicago; and other events of similar character.

Q. With reference to aviation, what is the service rendered by WIBO? A. We have broadcast for a long time, a year or more, I would say offhand, a report of weather and flying conditions each evening, taken from the telegraphic tickertype on a machine, originating, I be-
699 lieve, with the Government sources of information, giving weather and flying conditions, such information as is ordinarily contained in these Government forecasts concerning weather and flying conditions; and we have on frequent occasions heard from pilots flying the mails at night telling us that they tuned in with their instruments and heard the WIBO broadcast.

We broadcast the national air races at the time of their occurrence last year, in a very complete and thorough

fashion, and largely signing off of other broadcasting activities for a large part of the afternoon during the course of those air races, because we believe that the public was intensely interested in the air races and that we might be instrumental in serving our listeners, the public in general, and aviation in particular by broadcasting as much as could be done of that activity.

At different times we have broadcast such events as the Coste landing; the activities in which Miss Eleanor Smith, one of the famous aviatrixes, was concerned.

The National Broadcasting Company feature in which the Lindbergh exploit was broadcast, I believe, by a united hook-up of all the chain stations. We have also broadcast directly from our studios such men as Mr. Edward B. Heath, who was recently killed in an aviation accident, one of the pioneers of aviation; and numerous aviators or persons interested in aviation who have appeared in our studios. Some of the most famous aviators of the world have talked over WIBO.

Q. What outstanding educational activities does WIBO carry on? A. In conjunction with the Chicago
700 Association of Commerce and the city school system of Chicago, WIBO is now aiding in the Cleanup-Paint up-Plant up activities of the city schools. WIBO is devoting several periods each week to addresses by various prominent persons selected by the Association of Commerce and the schools for the purpose of encouraging school children and others in greater civic pride; and each school is conducting an essay contest, the prize winners of which will be heard over WIBO at the close of the contest later in the season.

Furthermore, each week WIBO broadcasts the address of Mr. David Jackson, head of the Securities department of the State of Illinois, informing and educating the public in the safe handling of funds.

WIBO also broadcasts a daily 15 minute period of health and physical education, in addition to numerous other broadcasts, such as the quarter hour period each morning on cooking, home economics, home decoration, and so forth, about which I believe Mr. Clark of the Evening American has already testified.

Q. Have you refused accounts for any reason? A. Yes, sir; we have refused accounts in the past.

Q. What do you demand with reference to advertising over your station? Why have you refused accounts? A. Because of various reasons, including previous allotment of time, undesirability of program, the desire to maintain the highest standard of service to listeners; because of the subject matter of the account, in our judgment, being objectionable to the listeners, and not in the public
701 interest, and other reasons which seemed good and sufficient to us.

Q. I will ask you, Mr. Macpherson, to discuss in some detail the types of programs that WIBO is broadcasting from its radio station. A. Obviously it will be rather difficult for myself or any one to attempt to discuss in complete detail something like 5,000 separate entries of material broadcast which are recorded in these transcripts which have just been filed with the Commission; so I will take this book and discuss from the headlines our programs or entertainment which has been broadcast in the past.

We have broadcast addresses of the President, as indicated in this headline, stating "Hoover and Byrd Heard on WIBO Tonight."

Other programs featured by national figures, such as is indicated in headlines that I see here, mentioning Al Smith, Senator Tydings, Senator James Hamilton Lewis, Ambassador Dawes, being heard across the sea; address by Wilkins on Antarctic Perils; Catholic Hour and Dr. Fosdick heard on WIBO Sunday; Mrs. McCormick on WIBO; Preelection Talks on WIBO; Hoover at the Mike for the 27th Time; D. A. R. Speaker Urges Defense—and other programs of general, political and religious importance to various grades, classes and types of people.

On the following page are headlines concerning
702 broadcasts of the air races which we were discussing a few moments ago. Also pictures showing the airplane which WIBO was instrumental in having fly over Chicago to stimulate interest in such things; the broadcasting of a sound picture, which I was told by the officials of the Publix-Balaban & Katz Theater was the first time that a broadcast of music from a film had been put upon the air. We broadcast the R. K. O. bill from the Leviathan. World's first audition, Tannheuser, on WIBO. And on the following page we find operatic broadcasting——

Mrs. Willebrandt: Just a minute, if the Examiner please. This document that the witness is reading from is already in the record. I would object to the reading of the document already in the record as a reply to the question asked. This witness was asked to discuss the programs. He has now gone through two pages and is reading headlines from the Hearst paper; and I object to the reply because it is *it* not responsive to the question.

Chief Examiner Yost: The Examiner can see no particular objections to the witness discussing the events as announced in the exhibit; but he certainly is expected to do something additional in explanation, or something that will be helpful in the way of giving the Examiner a better understanding of the complete character of the programs broadcast. Certainly the answer should not be limited and restricted to the exhibit from which he is reading.

The Witness: If I may discuss each of these items
703 I will be able to perhaps give a better idea of the policy of WIBO which caused such of these broadcasts as are selected for discussion to be put upon the air.

Chief Examiner Yost: The witness may proceed.

The Witness: The first regular broadcasts of operatic performances from the stage of the Chicago Civic Opera Company were put upon the air over WIBO in the season of 1929-1930, exclusively, to the listeners of the Chicago area, over WIBO, through the National Broadcasting Company's Saturday evening performances. During the course of those broadcasts during the seasons of 1929 and 1930, and 1930-1931, some of the most famous figures of the operatic world were broadcast to our listeners, such as Mary McCormick, Madame Jeritza, and various other celebrities of the operatic world.

In addition, WIBO has endeavored to provide programs of high class symphonic music, as is indicated by the broadcasts of Damrosch and Granger and other famous musical leaders and celebrities.

I presume it is needless to discuss in detail all of those, as that will indicate our policy to provide entertainment of the very highest quality in so far as we are able to judge, in our broadcasts to our listeners.

We endeavor to further carry out our policy with rela-

tion to diversified programs by frequent broadcasts
704 of music of other types and characters, as is indicated by our very elaborate presentation of dance bands, dance music, by orchestras such as Victor Young, Castle and others of such caliber.

We also put on such programs as the broadcast of the Mormon Tabernacle from Salt Lake City, over the National Broadcasting Company chain; and we endeavor to inject into our programs diversity of a high class, in that manner at frequent intervals—hymns and popular music, operatic music, symphonic music and music of all types which we feel will appeal to listeners of all types and classes.

We also broadcast a variety of other types of programs, consisting of such things as our Swedish programs, a religious broadcast every Sunday morning which has been a feature of WIBO for many years, practically since the inception of the station.

We have practically every major type of activity represented among the broadcasts which will be found recorded in the program log of WIBO, including religion, drama, politics, opera——

Chief Examiner Yost: The hours previously mentioned by the witness with reference to religious broadcasts—do those include the broadcasting of WPCC over your station?

The Witness: No, sir. Those were not included in that. In addition to the hours mentioned, programs by Rev. O'Hair or some of his people are broadcast between the hours of 12 and 12:30 daily and, I believe, three evenings each week.

Chief Examiner Yost: But they are not included in your statement?

705 The Witness: No, sir; they were not included. With the addition of those hours, I believe our total hours of religious programs would be about 14½ hours per week, if they should be so included.

We have broadcast dramatic playlets. I presume that I may elaborate in my statement. The First Nighter originated in the studios of WIBO by Mr. Charles Hughes, the producer, and was put upon the air, first, over WIBO. It became so popular or so appealing to listeners and to advertisers, that it was sponsored by an advertiser who put it upon the National Broadcasting Company's chain within,

I believe, a period of about three months from the time it was first put on the air; which I am told is the record in speed for developing a program of that character and reaching chain broadcasting worthiness.

Another activity of WIBO has been to encourage interest in music. For some time—I believe it is now discontinued because of the season of the year—we carried the Walter Damrosch Musical Appreciation series over the National Broadcasting Company chain. Last year we conducted a song contest in which some 1,600 young singers were interested. I may say that that was conducted in connection with a commercial program. Nevertheless, it did encourage and stimulate a great deal of interest in the younger singers who had not had an opportunity to be tried out for real singing and who had not had an opportunity to be broadcast; and during the course of this contest we did put upon the air many singers of worth and decided talent.

By Mr. Boyd:

Q. Who was the sponsor of that program? A.
706-711 The Atwater Kent organization of Chicago, the Sampson Electric Company.

712 Q. Will you continue with your testimony with regard to the type of programs broastcast? A. In pursuance of WIBO's policy to provide entertainment for all classes, ages, creeds and beliefs, as nearly as we possibly can do so in a practicable manner, we try to inject diversity into our programs, having operatic and the higher types of music, popular music, music of different religious creeds, dance music, and a varied collection of dance orchestra pickups from remote control points, in addition to the entertainment which we provide through our own orchestra and the artists and entertainers who are broadcast from our main studio. Those programs include stage and screen stars, and they are particularly interesting where they are broadcasting such theatre artists as Mitzi Green, Jack Oakie, and other famous theatrical and moving picture personages.

We have a weekly feature broadcast from the Chicago Theatre Studio, and have broadcast that program for more than a year, the greater part of that time under the
713 direction of Mr. H. Leopold Spitalny, director of the Chicago Theatre Symphony Orchestra—I mean the

presentation of the program over the radio. The presentation of the music of that orchestra was under the direction of Mr. Spitalny.

The names of ten persons are selected each day at random from the telephone directory, the city directory, station mail and news items in the Chicago Evening American, and announced over the air. To each of those persons guest tickets to the theatres are presented if they telephone in and verify their names and addresses. An announcement on the screens of the Balaban and Katz Theatres between feature films, in rotation around their string of theatres on the South Side, the West Side, the North Side, and the Loop, appears at scheduled intervals announcing the fact that patrons of those theatres, by tuning in to WIBO, may hear themselves invited as guests to the theatre. I believe Mr. Clark testified to that effect the other day, so it will not, perhaps, be necessary for me to dwell upon that, to make clear the point that we are trying to do three things: To provide the listeners with news or information concerning entertainments in the theatre; to attract the attention of listeners to the shows being presented in those theatres; and to attract the attention of listeners to the news and information in the Chicago Evening American concerning the moving picture theatres and their presentations of shows, and so forth, believing that by this arrangement we are serving the public of Chicago and suburbs, and basing our belief upon the fact that more than 25,000,000 admissions to these theatres would indicate a wide and general public interest in the news, entertainment
714 and information we broadcast concerning those activities.

Then, in our sports broadcasts we try to cover the field of sports activities very thoroughly. At the present time we are broadcasting the baseball games. During the football season we handled the broadcasting of the Northwestern University games throughout the season. In addition to that we broadcast, I believe, the Notre Dame-Army games. We broadcast the cup races in connection with yachting, when Sir Thomas Lipton and his people were endeavoring to take America's cup through the National Broadcasting Company chain broadcasts.

We broadcast wrestling, hockey, and other sporting activities very liberally, many of them sponsored, but some of

them without any financial compensation to us—not that I feel that there is anything reprehensible about receiving financial compensation, but we provide entertainment at times without compensation, and at expense to ourselves, because we want to make our broacasts as interesting as they can be to the listening public. We believe that it is not only good public service, but good business to do so. We think our station is more desirable from a listening standpoint and more desirable, therefore, to advertisers, when we provide a thorough schedule of entertaining information of this character. WIBO has broadcast some television programs. This was a combination of——

Q. Let me interrupt you to make this clear. Does WIBO operate in conjunction with Television Station W9XAO- A. Yes, sir.

715 Q. Does Radio Station WIBO, at certain times during the day or evening, broadcast the sound from the same studio from which W9XAO broadcasts the image of the performance? A. Yes, sir, it does.

Q. In that connection do you have a special studio for the broadcasting of television, sound and pictures? A. Yes, there is a special studio for that purpose. WIBO broadcasts a combination television and sound program in conjunction with W9XAO several times per week. It is a daily procedure. Sometimes there are more programs broadcast in one day than on other days, but each day something is broadcast in connection with television.

Q. What is the fact with reference to WIBO assisting in the preparation of programs for experimental purposes, being broadcast under an experimental license by W9XAO, in furtherance of the art of television? A. We assist in the preparation of such programs. We have in the past brought special talent in. On occasion I believe some of the moving picture people have appeared in the television broadcasts. I believe that recently Tom Mix and his famous horse were on the television program broadcast in conjunction with W9XAO.

Q. Has Radio Station WIBO been actively participating in the experiments which have been conducted by the Western Television Corporation, owners of W9XAO, and its predecessors, in the experimental field of television? A. Yes, sir.

Q. Do you also broadcast, at certain periods of the
716 day, phonograph records? A. Yes, sir.

Q. I will ask you to state, if you can, about the average time that is devoted to the playing of phonograph records, and the broadcasting of that music, or whatever is contained on the record. A. That time will vary somewhat, but it is confined to morning broadcasts, and usually is from an hour and a half to two hours of the total hours in the morning broadcast. There may be occasions when it is slightly more than that or slightly less than that.

Q. I will ask you to refer to WIBO's Exhibit 10-A. I ask you to take one day's program, and tell us the time devoted on that date—you can take any date—to the broadcasting of records, describing the programs. A. I suppose any date is all right. Take the first week day shown here, Monday, February 2.

Q. Start with the first program on the air in the morning broadcast, and describe that. A. At 6:25 a. m., Uncle John. That is a program by John Meredith, of early morning worship.

Q. That is not a recorded program? A. No, sir, that is not a recorded program. That runs from 6:25 to 7:30. From 7:30 to 7:45 there is a 15-minute program, listed as a "Forget-Me-Not" Program, which is a program of recordings. From 7:45 to 8 o'clock there is a National Broadcasting Chain program of 15 minutes, which is a sponsored program. From 8 to 8:30 there is the Bulova Time program of recordings. From 8:30 to 8:45 there is a National Broad-
717 casting Company sponsored program. From 8:45 to 9 o'clock there is another 15-minute National Broadcasting Company program. From 9 to 9:15 there is a National Broadcasting Company program, not a commercial program.

Q. You mean by that, the National Broadcasting Company is paid for the right to broadcast that program? A. It is known as a sustaining program.

Q. They pay the National Broadcasting Company for the privilege? A. Yes. I believe that is paid for. From 9:15 to 9:44 is the Reading Room Period, during the course of which one of our announcers reads books or chapters from books. He does not always complete the reading of a book within the period, and then it goes over until the next day.

At 9:44 there is the Curtis Candy announcement, for which

we are paid. From 9:45 to 10 o'clock there is a recorded program for which we are paid. At 10 o'clock there is the Bulova Time announcement. From 10:01 to 10:30 there is a 30-minute period of recordings, which is a sponsored program. From 10:30 to 10:45, there are news flashes of early morning news from the Chicago Evening American Studio.

From 10:45 to 11 there is a program known as Around the Home, from the studios of the Chicago Evening American, by one of their home economics, decoration, or other household experts.

From 11 to 11:30 there is a recorded program of music.

From 11:30 to 11:45 there is a musical recorded program.

From 11:45 to 11:58 there is a recorded musical program.

At 11:58 there is a Curtis Candy announcement.

718 At 11:59 there is a Bulova announcement. At 12 noon, or from 12 noon to 12:30, Radio Station WPCC uses that half hour period over our transmitter for the broadcasting of the North Shore Church.

Q. How much phonograph broadcasting did you have during that period, as you described? A. About 2½ hours.

By Chief Examiner Yost:

Q. As the Examiner understands, there are no records broadcast in the afternoon or evening. A. That is correct.

By Mr. Boyd:

Q. Is the station requested from time to time to accept recorded programs for broadcasting in the afternoon, and before midnight? A. Very frequently.

Q. The station refuses to accept such accounts? A. Yes, sir.

Q. I hand you a paper which has been marked WIBO Exhibit 12-A for identification, and ask you to explain what that document is. A. It is a list of the National Broadcasting Chain programs on WIBO for the week ending February 21, 1931.

Mrs. Willebrandt: Just for the one week of February 21, the week prior to the time of the setting of this hearing?

719 Mr. Boyd: That is all this says, yes.

By Mr. Boyd:

Q. Is it a true and correct copy of what it purports to be? Is the information contained therein true and correct, to the best of your knowledge and belief? A. Yes, sir.

Q. Does that represent the programs broadcast over Radio Station WIBO for that week? A. Yes, sir.

Mr. Boyd: I now offer WIBO Exhibit No. 12-A.

Chief Examiner Yost: It may be admitted.

(The paper referred to, list of National Broadcasting Company chain programs broadcast over WIBO for week ending February 21, 1931, was marked "WIBO Exhibit No. 12-A", and two copies thereof are on file with the Commission.)

By Mr. Boyd:

Q. How many programs were broadcast during that week originating with the National Broadcasting Company? A. 74 programs.

Q. Will you refer to the document marked WIBO Exhibit 13-A for identification, and indicate to me what it is? A. It is a booklet which we prepared to present some examples of service rendered by WIBO to the listeners of Chicago in conjunction with the Chicago Evening American, and to present the condensed information about what we claim with relation to our broadcasting activities, and other information that might be pertinent.

720 Q. In connection with this booklet, have photostats of the headlines all been introduced in a previous exhibit? A. Yes.

Q. In identical form? A. Yes.

Q. In the center of the book you will find a map. I will ask you what that map is, and the purpose of it. A. It is a map of the area immediately adjacent to Chicago—I should say within a 100-mile circle, and a smaller 50-mile circle. from State and Madison Streets, showing the principal towns lying within those circles, and the population as given in the 1930 census.

Q. Was that map prepared by you or under your direction, from information which you procured from the census figures? A. Yes, sir. It was prepared under my direction. We had the outline map prepared, and had to wait some

time to get correct figures from the Census Bureau in order that we might have it as accurate as possible.

Q. Is it a true and correct copy of what it purports to be? A. Yes, sir.

Q. I will ask you what towns and cities appear upon that map, with reference to class. A. The population is shown typed beneath the name of the town, in cases where the population is 1000 people or more.

Mr. Boyd: We now offer the middle portion of this booklet, or the exact center of it, the two pages, and the information contained thereon, as WIBO Exhibit 13-A.

721 By Mrs. Willebrandt:

Q. What are these circles drawn from? What were these circles on this map to which you have just referred drawn from? A. I don't think I understand the question.

Q. I will reframe the question. Is this based upon any map of the areas in question? A. We had the map prepared by a map company in Chicago—Wild, I believe.

Q. You did not use any standard map? A. They are people who make maps.

Q. Where was the center of these circles which, according to the legend, appear to refer to your service area? Was that the location of your transmitter, or where was it? A. The center of the circle on the map was placed, by instructions, as State and Madison Streets, Chicago, which is commonly regarded in Chicago as the point from which the numbering of the streets begins, east and west and north and south.

Q. Is that where your transmitter is? A. It is not.

722 Q. Where is your transmitter with reference to that point? A. The circles on the map, I may say, did not have direct relation to our transmitter.

Q. According to the legend on the map, they are claimed service areas, are they not? A. I presume I may ask a question. What do you mean by the legend on the map? There is no legend on the map concerning the service area.

Q. "This circle contains more buying power that is embraced in any one of 46 entire states." By buying power do you mean the area that your station serves? A. I mean that that circle is computed to contain more buying power than any one of 46 states. It states clearly.

Q. It says "Dominant coverage within this golden circle is insured to advertisers on WIBO." A. It should be.

Q. Then, the golden circle refers to the area WIBO serves, does it not? A. It does not so state in our booklets here.

By Mrs. Willebrandt:

Q. You are identifying the document. What is
723 your opinion of it? A. If I may be permitted to give an opinion, I will state that WIBO does, in my opinion, serve that area indicated on that map.

Q. That was the intention in getting out this document, to lead anybody who reads the document, and who sees it, to believe that, was it not? A. If I am being asked to state the intention in getting out the document, I would like to ask permission to state our intention in getting out the document.

Q. Was that one of the intentions? A. It was the intention, in getting out the document, to convey the information which the documents contains to anyone interested in WIBO.

Q. This is an advertising circular? A. The purpose of it is informative, to give information about WIBO.

Q. For the purpose of soliciting advertisements over your station? A. That is the principal use to which it is put.

Q. When was this prepared? A. Some time after the first of this year.

Q. What time was it with relation to when you hooked
up with the Chicago Evening American? A. More
724 than a year following that.

By Mrs. Willebrandt:

Q. Was it published by the Chicago Evening American? A. It was not.

Q. What use have you made of it? A. We use it to explain facts concerning WIBO. I might read from it, as an illustration:

"WIBO makes no strained effort to claim improbability. Numerous letters indicate many listeners outside of this circle—in fact, letters come from Cuba, as well as Canadian listeners, but in these days of chain programs available everywhere no station can justly claim many habitual

listeners outside of its metropolitan area. Within this circle WIBO offers dominant coverage."

Q. How freely have you distributed the document? A. I believe there have been some 500 of these booklets prepared.

Q. To whom have you sent them? A. We delivered most of them in person.

Q. To whom? A. To potential advertisers, advertising agencies, and to other persons who requested information about the station.

725 (The document referred to, advertising pamphlet of WIBO, was marked "WIBO Exhibit 13-A," only one copy thereof being furnished to the reporter.)

By Mr. Boyd:

Q. In connection with your duties other than as assistant general manager, do you have direct charge of the sales organization of Radio Station WIBO? A. I do.

Q. I will ask you to indicate to the Examiner the number of salesmen who are under your direction who devote their time exclusively to the sale of the facilities offered by Radio Station WIBO. A. The number varies from time to time. There are at the present time four men in addition to myself whose time is devoted to the sales activities, and two men who devote part of their time to it.

Q. In the handling of your sales affairs, and in the supervision of the sales of this company, have you prepared, and do you prepare for potential advertisers, a prospectus if the account justifies it, covering the service offered, which you claim to be able to render to the advertiser? A. Yes, sir. We prepare a prospectus giving a presentation of facts and information about WIBO, and the way in which we believe radio advertising may be used advantageously by the potential advertisers.

Q. I hand you a pamphlet, which has been marked WIBO Exhibit No. 14-A for identification, and ask you if that is a pamphlet such as you have just described.

726-730 A. Yes, sir. That is the presentation.

Q. Was this pamphlet prepared under your supervision and direction? A. It was.

Q. For what purpose was this pamphlet prepared? A. In order to sell a radio advertising plan to the Ford dealers of Cook County.

Q. In the city of Chicago? A. Yes.

Q. Was it used for that purpose? A. Yes, sir.

Mr. Boyd: I now offer WIBO Exhibit 14-A for the purpose of showing the ability of Radio Station WIBO to perform the service, and to perform it advantageously and profitably.

Mrs. Willebrandt: I object to this. It is improper.

731 Chief Examiner Yost: The objection is sustained. In the Examiner's opinion it had better not go in.

Mr. Boyd: It is agreed between counsel that WIBO Exhibit 15-A, consisting of a group of photographs, may later be examined by the witness, and a description of each photograph placed on the back thereof, showing what each photograph purports to represent. It is agreed that that may be done later by the witness.

Chief Examiner Yost: They may be admitted.

(A group of photographs was marked collectively "WIBO Exhibits No. 15-A," and two copies of each are on file with the Commission.)

Cross-examination on behalf of the applicant.

By Mrs. Willebrandt:

Q. You have been the manager of this station since November 1929? A. I have been connected with Mr. Nelson in the management of the station since that time.

732 Q. Have you a receiving set in your home? A. Yes, a Philco set.

Q. Where do you live? A. In Homewood.

Q. Where is that with reference to your transmitter? A. I should say a little over 40 miles, air line, south and a little east—southeastwardly.

Q. In other words, you are in South Chicago? A. No. I am south of the city of Chicago.

Q. Are you nearer to the city of Gary or the central portion of the city of Chicago? A. A little bit nearer Gary—considerably nearer Gary, I should say.

Q. How far are you from Gary? A. In the neighborhood of 22 to 25 miles air line, I should say.

Q. What stations do you listen to in your home? A. Various stations.

Q. You listen to Station WIBO a lot, do you not? A. Yes.

Q. What kind of reception do you get from WIBO? A. Very good.

Q. Do you get any interference at all? A. Occasionally. My set is not a testing set.

Q. You occasionally get interference? A. Yes.

733 We have sputtering when we have an electrical storm, or something of that sort.

Q. I am talking about interference from any other stations, in the nature of heterodyne or cross-talk. A. I am not an engineer.

Q. Do you ever hear any cross-talk when you are listening to your station? A. I have heard it very faintly sometimes.

Q. Did you say anything about that in your prospectus to your advertisers within this "Golden Circle"? A. We were not trying to conceal the facts. When we are asked the question——

Q. How large is your golden circle that you take in, and with respect to which you say that dominant coverage is insured to advertisers within this golden circle? A. The circle on the map is a circle of 100 miles radius.

Q. One hundred miles radius; and you live 40 miles from the transmitter? A. Yes.

Q. Outside of bad weather, you do not get any interference, do you? A. The reception which I get is entirely satisfactory to me. I am not engineer enough to define the term "interference".

Q. I just want what you get. A. I get very good reception, indeed. It is perfectly satisfactory to me.

734 Q. I am just trying to find out what kind of reception, indeed. It is perfectly satisfactory to me.

Q. It is not only engineers who listen to a radio set. It is the public, like you and me. Do you listen to WJKS? A. I have listened to WJKS; not a great deal.

Q. How often do you listen to WJKS? A. I would not attempt to make any estimate; very, very seldom, indeed. I have listened to it a very few times.

Q. When you did listen to it what kind of reception did you get? A. I don't particularly recall.

By Chief Examiner Yost:

Q. Do you remember when you listened to it? Have you listened to it in the last six months or a year? A. I listened some time within the past month, I would say, Mr. Examiner.

By Mrs. Willebrandt:

Q. What did you hear? A. I don't recall the type of program I heard, even.

Q. What kind of reception did you get when you did listen to it, last month? A. I heard the station, and I heard whatever they had on the air at the time, and listened to it until I was content to turn the dial to some other station. I had no particular purpose in listening.

Q. I think you said that you have health programs
735 on your station. A. I am sure we have had.

Q. What kind of health programs? In other words, I do not want a technical reply. I want just your best estimate of it. A. Here is an example of some of the kinds of programs that we have at different times.

Q. Health programs? A. I presume you woud define those as health programs. This is captioned "Infant Welfare Work."

Q. What did you broadcast about your Infant Welfare Work? A. "Infant Welfare Work, to which this week has been officially devoted, will be the subject of a radio address given tomorrow at 12:30 p. m. by Dr. Hayworth M. Sanford, Medical Director of the Infant Welfare Society, over WIBO. Baby week will continue until Saturday for the purpose of impressing upon parents the most modern methods in child health and education."

Q. How much time did you give to that? A. I don't know what the exact time was.

Q. You just read a newspaper article about it? A. I can probably read the exact time.

Q. All right. A. 12:30 p. m. Presumably it would be a 15-minute period or a half hour address.

Mrs. Willebrandt: Mr. Reporter, will you turn
736 back and read what the witness testified as to a daily health program?

The Witness: As I recall what you have reference to——

By Mrs. Willebrandt:

Q. Give your best recollection of it. Let me ask you this. Are you in charge of these programs? A. In charge of the general operation of the station, including programs, in conjunction with Mr. Nelson.

Q. Do you know the programs that are passing out over your station, and the general allotment of type and kind of program? A. In general, yes.

Q. What daily allotment of health programs do you give? A. At the present time there is a program being broadcast just before noon, a 15-minute program of health and exercises, which can be located if you will refer to the log which is in evidence here, of April—

Q. On February 4; I have it here before me. Which one do you refer to? A. It does not appear in that particular list.

Q. You spoke of it as a daily program. How long has that been going on as a daily health program? A. The program logs here would indicate that. I would not be prepared to state exactly.

Q. Is it an innovation on your station? A. We have had different programs at different times. This program started some weeks back. I do not recall the exact time.

We have been planning and discussing the starting
737 of another for some time.

Q. It did not start as a daily program until recently, then? A. The last few weeks.

Q. Are you familiar with the Restoro program, which appears here on your program sheets? What is that? A. That was a sponsored program.

Q. What type of broadcast is it? A. As I recall it, it had to do with some electrical, vibrational, or massaging, or X-ray—not X-ray, but electrical ray treatment of some kind.

Q. Has it been in any difficulty recently with respect to using the mails to defraud? A. I don't know.

Q. Are you still broadcasting it? A. No.

Q. The Restoro program? A. We are not.

Q. When did you stop? A. I would not undertake to state.

Q. I do not mean exactly. Was it long ago, or recently? A. There were only a very small number of the programs

broadcast over our station. We did not care to have that type of program.

Q. Did you refer to it when you spoke of the daily health program? A. No, I did not. That is commercial.

Q. How about this Varicose Veins program?
738 Was that one of our daily health programs? A. That was an announcement referring to an advertisement in the Chicago Evening American, made available to all advertisers in the Chicago Evening American, on our rate card, purchased by them.

Q. The Varicose Veins program was an advertisement that appeared in the Chicago Evening American, and pursuant to your arrangement with the American you broadcast the same material over your station, is that right? A. Not all the material published in the American.

Q. Part of the material? A. The advertiser in the American comes to us and buys an announcement referring to the advertisement.

Q. Did you make any investigation yourself, for the radio station, with respect to the reliability of that Varicose Veins program? A. We assumed that the institution was a reliable one, since its advertisement was printed in the Chicago Evening American. I won't be positive about this, but I believe we did call up the Chicago Evening American and asked them, or they called us and asked concerning the announcement, if the advertiser could buy an announcement in connection with his advertisement in the Evening American.

Q. Your "American Conservation of Vision"—is not that a group of doctors' advertisements? A. A doctor by the name of Hawkins, I believe.

Q, Has he or has he not been under attack by the American Medical Association? A. I don't know.

739 Q. Does that also come to you from the Chicago Evening American? A. They ran an advertisment in the Chicago Evening American.

Q. I notice this American Conservation of Vision runs through a good many of your programs, At all times it came to you through your arrangement with the Chicago Evening American? A. They ran advertisements in the Chicago Evening American. They do not sell time on WIBO, and we do not sell advertising in the Chicago Evening American, but we publish a joint rate card. I say we

publish a joint rate card. WIBO publishes a rate card on which joint rates are shown; that is to say, announcements are sold to advertisers in the Chicago Evening American, and a lower rate is made on program periods—I mean by that, 15-minute, 30-minute, or longer periods of time to advertisers in the Chicago Evening American. It is published for the information of everybody.

Q. Who paid you for that Conservation of Vision program, the people who were advertising or the Chicago Evening American? A. They were billed for the program.

Q. Through the Chicago Evening American? A. No; they were billed directly for the program.

Q. Did you make any check of the reliability of that advertiser? A. We made inquiry.

Q. Of whom? A. I don't recall where we made our inquiry.

740 Q. I notice on quite a few of these programs—and I am now referring to February 4, 1931, as fairly indicative, as far as I have been able to check them—you have about four periods here when you broadcast something that you have just marked "Television." Is there any reference in those broadcast to television stock? A. None to my knowledge.

Q. Do you know whether there is any television stock for sale? A. I do not know of my own knowledge anything about the Television Company's own financial operations.

Q. Television stock is a part of the capital assets of your radio station, is it not? A. I believe some stock does show. I am not familiar with the financial end of the business, and the details, as Mr. Nelson is.

Q. Do you know anything about the worth of that stock? A. Do I know anything about it? It would be speculation on my part. I could not make any statement concerning the worth. It would be speculation on my part to make any speculation concerning the worth of the stock.

Q. You broadcast National Broadcasting Company programs, do you not? A. Yes.

Q. You know that WENR-WLS is a 50 kilowatt full-time clear channel station under lease by the National Broadcasting Company, and that they carry NBC programs? A. I have heard it stated. It is generally known, I believe, that that is true.

741 Q. Will you state whether your service area covers any area of Chicago that they could not reach? A. I would not undertake to say whether or not there is an area that they could not reach in the city. I presume that they would cover that whole circle. I do not know, as an engineer.

Q. You know that KYW, a 10-kilowatt full-time clear channel station, owned by the Westinghouse Company, carries NBC programs too? A. Yes, sir.

Q. Can you give any better service than they can? A. I think we do.

Q. A wider service than that 10-kilowatt station? A. I hear WIBO better in my home than I hear KYW.

Q. What is the frequency of KYW? A. I don't recall their wave. I know I pick it up on my dial.

Q. But you say you hear your station better in your home than you do that station? A. Much more satisfactory to me than KYW.

Q. Satisfactory as to program or as to signal strength that comes in to you? A. As to the manner in which I hear the program. There is no interference. There is an almost total absence of interference on ours, and considerable interference on KYW. I say interference in the sense of an interruption of the pleasure of listening to the program. I don't know whether that is a correct technical term or not.

742 Q. You live twenty miles from Gary? A. Twenty-two to 25, air line, I should say.

Q. If the Federal Radio Commission were to concel your license, would you state that the N. B. C. programs that you broadcast could not be broadcast over four other stations in Chicago? A. I am not sufficiently informed as to the status of their contractual relations.

Q. No; that would be an unfair question. I did not mean that. I mean, assuming that they could make contracts with the other stations, would there be anything in your area that those other four stations could not reach? A. That is an assumption—my answer would be an assumption, rather. I presume or assume that they could reach the territory that the signals from our station now reach. Whether or not the programs would be received as satisfactorily by the listener is something else. I do not know.

Q. I am just talking about the area. You have all of

Gary, practically, in your golden circle here (indicating) with the advertisers that you can reach with dominant coverage, have you not? A. I think it is all there. Every bit of Gary is included in that circle.

Q. So you now reach all of Gary? A. We get letters from far beyond Gary, and we get many letters from Gary. As stated, numerous letters indicate many listeners outside of the circle, and many others indicate listeners all within the circle thoroughly covered.

743 Chief Examiner Yost: Are you able to say, as a matter of fact, whether any of the National Broadcasting chain programs broadcast by you, or any or all of them are broadcast by any other station in Chicago?

The Witness: I do not believe, Mr. Examiner, that any of the programs now broadcast by us are broadcast by other stations at the present time.

Mrs. Willebrandt: You were referring to the same time?

Chief Examiner Yost: I was referring to particular programs. The Examiner just wanted to know for his own information.

By Mrs. Willebrandt:

Q. How many other stations in Chicago broadcast the air races and Lipton cup races and so forth? A. None as thoroughly as WIBO.

Q. Others did broadcast them? A. They broadcast items from the air races.

Q. The copies of your program logs that you have introduced do not show, so far as I have been able to see, the individual announcements, commercial announcements? A. Yes, ma'am; they show.

Q. They seem to just show the announcement period. Will you point out individual announcements, for instance? A. I have one of a more recent date I would be more nearly familiar with. Here is April, if I may select it.

Q. Let us go back to February 3. A. Would it not be just as satisfactory, where I may remember more
744 clearly a more recent date?

Q. That is right at the time of this hearing. Let us go back to February 3.

Chief Examiner Yost: If you can remember what they are.

Mrs. Willebrandt: That is only two months ago. Point out the advertising announcements throughout that day.

A. We did not make any there——

Q. Take Uncle John, for instance: was there any advertising announcement during that hour at 6 o'clock in the morning? A. None to my knowledge.

Q. Would you ordinarily be on duty at that hour? A. No, indeed. I would like to interject a comment, if I may.

Q. Surely. A. I understand you are trying to get at facts?

Q. Right. A. I do not make any pretext of having listened to all these broadcast hours listed in the logs, myself, the whole time. That would be a human impossibility.

Q. All right. Let me get at it in another way. What is your knowledge of the amount of advertising broadcast that appears throughout the run of these programs that you have introduced here? Do you have any personal knowledge of it? A. The program log, or a copy of the program log each day is laid on my desk. I take the program log and examine the items that are on it.

Q. What do you check it with? A. With such
745 data and information as may be in our files, such items as I remember of my own knowledge, and——

Q. When do you check it? Before the program is on, or afterward? A. As a general rule, the program log for the current day is prepared the day before; at least the morning of the following day, and it reaches my desk in the afternoon of the day before, if not the entire program for the following day, and I examine that program from time to time to see that all programs which we are obligated to broadcast or which we desire to have broadcast—the announcements which are on our schedule are listed therein so that the radio station will be properly advised——

Q. Do you or do you not know day by day, and do you have any present recollection, how many advertising announcements were made during these days that you have introduced programs for? A. I know what our orders to our people are, our instructions to our people in that connection, and I know what the people we pay salaries to are instructed to do in that connection, and I believe that they do those things. Otherwise they would be discharged if we discovered that they did not follow out their instructions. They are instructed to list in the program log each

day all programs broadcast, all announcements broadcast, all broadcasting of any information of any kind or character, and the operators are instructed to initial their copy of the program log indicating the time at which such programs or announcements or other broadcasts occur.

746 Copies of our announcements in our studios are kept in our files with the initials of the announcers appearing thereon, with the time at which such announcements and programs were broadcast.

Q. Is this a true copy of your log? A. It is a true copy of our log to the best of my knowledge and belief.

Q. Where are the initials? A. They were not instructed to copy all of the initials.

Q. Then it is not a true copy of your log. A. It is a true copy of the information contained in the log.

Q. I want to find out whether you know or do not know whether there was any commercial broadcasting, or spot announcements on any of these days, that do not appear on your sheets that have been produced here. A. I don't believe there are any of that sort.

Q. Do you know whether there were any?

Mr. Cook: I object to that question on cross examination.

Mrs. Willebrandt: If he says he does not know, it is all right. I am just trying to get at this witness' knowledge.

Chief Examiner Yost: He may state whether or not he knows. If he does not know he can say so. If it is within his knowledge he can say so, and if he has forgotten he can say so.

747 The Witness: If I were permitted to take a later program log I could perhaps answer that question more accurately. I do not recall this particular day, and therefore I cannot answer that question.

By Mrs. Willebrandt:

Q. Did you, when you copied all these pages, check back against the log to see whether you had copied every announcement that went out that day, of any kind or character? A. We instructed the young women who copied these from the program logs to give us a true and exact copy of all programs and announcements listed in the log for that day. We have instructions to our men that they at all times place upon the program log all informa-

tion broadcast; and I believe that they did it and I believe that the girl made a correct copy.

Q. You do take advertising in the form of spot announcements? A. Yes.

Q. How much do you have a day? A. That is something which the transcript of the program log here should show.

Q. I do not see a bit of spot announcements. Show me where there are any. A. There are plenty of them.

Q. All right. A. Curtis Candy Company announcement. That is a very plain there—9:44 to 9:45. Bulova time signal, 10:30, and the next entry is 10:31.

748 Q. Do you get paid for the Bulova time signals? A. Yes.

Q. All right. Go on. A. Here is another Curtis Candy Company announcement at 11:58. Time signals 11:59; Bulova announcement at 1 o'clock; Bulova announcement at 3 o'clock; and the Curtis announcement at 3:06 and the Bulova announcement at 4:59 and a Bulova announcement at 8 o'clock. That would be a five minute program. There is a Bulova announcement at 10 o'clock and there is a Bulova announcement at 12 midnight.

Mr. Cook: How many is that for the whole day?

The Witness: Eleven, for the day.

Mr. Cook: Between 9:44 a. m. and midnight?

The Witness. Yes, sir.

By Mrs. Willebrandt:

Q. You have four television announcements. You do not call them spot announcements? A. That is a program of 29 minutes duration, 4:30 to 4:59. Here is a program of 15 minutes duration, 8:15 to 8:30 (indicating).

Mr. Boyd: Identify it more clearly.

The Witness: From 2 to 2:15 there is a television program of 15 minutes duration in conjunction with W9XAO; from 4:30 to 4:59 a television program in conjunction with W9XAO; from 8:15 to 8:30 in the evening, a 15 minute television program in conjunction with W9XAO.

Q. When you take your eleven spot announcements and add your sponsored programs, how many advertising

749 programs do you have in a day? A. There are quite a good deal. We run the station to sell advertising

to make money, as well as providing entertainment to the public.

Q. I withdraw the question. It would take too much time to make the computation. It appears on the face of the program, does it not? A. Yes.

Q. I will call your attention to the program log that you have introduced for February 9, 1931. From 8:15 in the evening until 8:30 you have the "Giant Finger"—what is that? A. The Giant Finger? That is a program known as the Giant Finger of the Air, a musical program with our orchestra playing musical selections and with announcements referring to news items, feature articles and advertisements that may appear in the Chicago Evening American. They are usually confined to not more than eight announcements referring to both news and advertising.

Q. Then there would be eight more spot announcements appearing in that period to be added to the eleven which you have given. A. No; not in that particular period. At that time there was not any paid announcement on this Giant Finger, of any material importance. Not more than one or two such announcements could have occurred at that time.

Q. What things were advertised in the Giant Finger hour? A. I presume some examples will be sufficient
750 for you, to the best of my knowledge?

Q. All that you can remember, please. A. Well, I recall that an announcement in one Giant Finger program referred to an advertisement of Henry C. Lipton and Company, a clothing store of the highest type in Chicago. I recall that an announcement appeared there referring to a program of Mangel, a high-grade department store in Chicago. I recall an announcement on that program of the Fair; and I might add by way of as complete information as I may put into the evidence here, the fact that we restrict rigidly the announcements on WIBO to advertisers who have sponsored programs on the station or who advertise in the Chicago Evening American.

Q. But they do not pay for that time? A. They do pay for that.

Q. I thought you said that you did not have any paid advertisers in that hour. A. No; I did not say that. We did not have any paid advertisers. If I so stated, it was wholly unintentional, because at this time of the year we

have very few paid advertisers on the Giant Finger program. We have run many of those Giant Finger programs solely as a service to the listener and referring to news items or entertaining features in the Chicago Evening American.

Q. That is really Chicago Evening American time,
751 is it? A. No.

Q. Do the advertisers who get themselves mentioned in the Giant Finger hour pay the same rate as the other advertisers that you have referred to as spot announcements? A. They paid the rate which appears on our rate card, until within the very recent past we have issued a special rate card which we would be glad to introduce, if you like, on the Giant Finger programs exclusively.

I should like to amend my designation of that as a special rate card, to special rates in a folder which was recently issued.

Q. Do you pay the talent at your station? A. No.

Q. Do you have anything to do with it? A. The financial affairs of the station are handled by Mr. Nelson and our bookkeeper and auditor. It is not a part of my normal functions to do that. I do not recall ever having paid any talent there.

Q. Do you know what is paid talent and what is
752 not.

The Witness: As a general rule; yes.

By Mrs. Willebrandt:

Q. Do you know whether all talent is paid at present? Would you have any knowledge of that? A. No great detailed knowledge as to just exactly what the status of such things may be. From time to time a dispute arises in the purchase of talent as in any other thing, and some might be paid and some not. I would not undertake to say.

Q. On Sunday, February 1st, in your program you have White City. Is that a dance marathon? A. I know there was a dance marathon conducted from the White City. I don't know whether it was Sunday, February 1st, or whether it was a broadcast of the band at that time. I don't recall listening to that.

Redirect examination.

By Mr. Boyd:

Q. The announcement that you said was made in connection with the Bulova Watch time—is that a standard announcement of the Bulova Watch Company? A.
753 Yes.

Q. It is usually broadcast by all stations that have the Bulova account? A. Yes.

Q. Is that paid for at the rate on your rate card, or is it a special contract? A. That is a special yearly contract.

Recross-examination on behalf of applicant WJKS.

By Mrs. Willebrandt:

Q. Excluding the N. B. C. programs and excluding air races and public events of that character, and excluding the Atwater Kent program, what particular type of service or programs running through these that you have introduced would you say was WIBO's contribution to your listening public? A. If we exclude the air races and the public events of that character, I would like to have a further definition of what you mean by "other events." That is rather broad, and I do not want to answer the question unless I clearly understand it exactly.

Q. Other events such as air races and the Lipton cup races and sports, national sport meets. A. We have a great deal of local sports. I would like to refer to this booklet again to recite some of them.

754 Q. No; in this answer I would like you not to refresh your recollection. You have put in your programs. Will you state as the person in charge of the station what stands out in your mind as the peculiar contribution of WIBO, excluding the classes that I have spoken of? If you do not recall any, that is all right. A. One regular contribution every week exclusively over WIBO as a regular contribution to the listening public of Chicago—there appear programs from the Chicago Theater every Wednesday night, 9 to 9:30. Every Thursday, Friday and Saturday evening there is a 15-minute Publix-Balaban & Katz artists program broadcast. At various other times there are special pick-ups, such as Duke Ellington's Band broadcast from the Oriental Theater. Still others, such as Tom Mix

with his pony, I believe, even came up to the studio at our place to put on a broadcast.

There are other events such as school activities at the present time, in which men like Colonel Robert Randolph, president of the Association of Commerce, and the school officials and other prominent personages in Chicago have appeared over WIBO.

Other events include broadcasts of musical periods in the evening, known as the Music Box. Every evening our ten-piece orchestra puts on a program of beautiful selections.

Other events would include a sketch or dialogue with three young women, a trio, reciting the ordinary events that would happen in the lives of three girls who are working. Three times a week that appears.

We have a Scotch dialogue, which I may be pardoned for mentioning, three times a week, I believe. We
755 have a negro dialect team every evening. We have various special events of that general character; and we have also regular religious services over WIBO which we feel are interesting to a large audience of listeners.

We feel in particular that the Scandinavian element of the population of Chicago and throughout the northwestern region are tremendously interested in the Swedish and Norwegian programs which are broadcast on Sundays; the Swedish program being one of the oldest radio programs of continuous, unbroken existence on the air in Chicago, I believe.

We feel, and have been told by many people writing in, that that program is highly appreciated by people living in sections where there are no churches in their language which they can reach.

In general, our effort is to diversify our programs so as to fill in where we have an opportunity with entertainment that will be interesting to various classes of the public and to the public at large; it being our purpose to operate a radio station so that it may make money through giving superior service to the listening public as nearly as we are able to deliver such service.

Q. How long is this Swedish religious service? A. It will appear in the Sunday record here—normally from about 8 to 10 o'clock in the morning. I believe that is the time, if I may refer to our April program——

Q. The Swedish service is from 8 o'clock in the
756 morning until 10 o'clock? A. I think you will find that is approximately the time occupied by it.

Redirect examination on behalf of respondent WIBO.

By Mr. Boyd:

Q. I would like to ask you one more question before you leave the stand. In the attempt of WIBO to broadcast, as you have indicated on cross examination, programs of high class, what programs would you use as a criterion in arriving at an opinion as to what a good program is? A. Programs such as are broadcast by the chain, the National Broadcasting chain and the Columbia chain, are indicative of quality, I believe; and we try to keep our quality up to or exceed that if we can.

Recross-examination on behalf of the applicant.

By Mrs. Willebrandt:

Q. Who is the minister that conducts those Swedish services? A. Various ministers appear in those services.

Q. Mr. Nelson's father is a Swedish minister, is he not? A. Mr. Nelson's father usually opens the service. I believe he has conducted the service in general, obtaining ministers from many, many churches to appear on those programs.

757 Q. And then you send bond salesmen to the writers of the different letters that are received with regard to this Swedish service? A. I have nothing to do with the sales of bonds.

Q. Do you know whether or not that is true? A. I don't believe that is true.

Chief Examiner Yost: Do you know whether or not it is true?

By Mrs. Willebrandt:

Q. Do you know that Mr. Nelson testified to that here about a month ago? A. I am not informed about the testimony. I do not believe that is the general practice.

Chief Examiner Yost: Why do you call it a Swedish program? Is it broadcast in the Swedish language?

The Witness: Yes, sir.

Mr. Cook: Mr. Examiner, may I propose that the statement which Mr. Craven has prepared since his testimony, accurately setting forth his definitions of service with respect to interference with radio stations, coupled with a columnar statement of measured ratio between the signal strength of the desired station and the interfering station in the matter of cross talk, heterodyne and flutter interference, with the different frequencies involved set forth in columnar form, be agreed to be placed in the transcript so that the accuracy thereof cannot possibly be the subject of confusion such as in a word of mouth statement?

758 Mrs. Willebrandt: Will the Examiner please postpone ruling on the matter until we have had a chance to look it over?

Chief Examiner Yost: Yes. We will take a brief recess.

Mr. Cook: If the statement is put upon the record, may it be inserted as near as possible to Mr. Craven's direct testimony?

Chief Examiner Yost: Yes.

F. M. Russell was called as a witness for and on behalf of respondent WIBO and, having been duly sworn, testified as follows:

Direct examination.

By Mr. Boyd:

Q. Please state your name. A. F. M. Russell.

Q. You live in Washington? A. I do.

Q What is your occupation? A. Vice president of the National Broadcasting Company.

Q. How long have you been the vice-president of the National Broadcasting Company? A. A little over two years.

759 Q. As vice-president of the National Broadcasting Company, I will ask you to state briefly in the record a description of your duties. A. Well, I am in charge of all of the activities of the National Broadcasting Company here in Washington.

Q. By reason of your official connection, being an officer of the company, do you have knowledge of the operations

of that company in cities other than the city of Washington? A. Yes.

Q. Do you know whether or not WIBO is a regular correspondent of the National Broadcasting Company in Chicago? A. It is.

Q. Do you know the number of hours of programs being broadcast by radio station WIBO in the city of Chicago which originate in the studios of the National Broadcasting Company and are broadcast by that station? A. Yes.

Q. Do you also know the number of hours that are broadcast by other stations in the Chicago region which originate in the studios of the National Broadcasting Company? A. Yes.

Q. Do you know also in that connection the number of hours of sustaining programs that each of the Chicago stations broadcasts, which originate in the studios of the National Broadcasting Company? A. Yes.

760 Q. Do you also have the same information with reference to commercial programs originating in the studios of the National Broadcasting Company? A. I do.

Q. I will ask you to state for the record the number of hours broadcast, both commercial and sustaining programs, by all of the stations in the city of Chicago who are correspondents of the National Broadcasting Company. A. I have taken the last full month for our records. That is, the month of March, 1931. I have all these figures for the month of March on an average basis here. I am trying to figure how to so state them that they will be as clear as I want them to be.

I have taken all of the sponsored or commercial hours, the sustaining hours and the institutional hours. We make a difference or distinction between sustaining and institutional. Sustaining are those programs which we sell to the station. The institutional programs are those which we give to the station without cost. For example, certain public events, addresses by the President and certain public officials; programs which we feel have a general public interest and of which we want to get the broadest distribution are frequently offered to the station without charge.

Chief Examiner Yost: Mr. Russell, is the announcement always made in connection with those broadcasts that it

is a contribution of the National Broadcasting Company?

The Witness: Usually that is made a little more clear than the case of the sustaining programs, but both
761 of them are presentations of the National Broadcasting Company. The radio audience probably would not understand from our announcement whether or not they were sustaining or institutional programs.

During March the daily number of sponsored or commercial programs taken by the various N. B. C. outlets in Chicago was 7 hours and 28 minutes of sponsored or commercial programs. 8 hours and 4 minutes of sustaining programs; 2 hours and 13 minutes of institutional programs, or a total daily average for March of 17 hours and 45 minutes, of all programs.

Do you want me to give the total for each station?

A. The total of each class for each station is: WGN, 1 hour and 40 minutes sponsored programs; 1 hour and 11 minutes of sustaining programs; 57 minutes of institutional program, or a grand total of 3 hours and 48 minutes. That is the daily average for March.

WLS—and in this connection I think we should bear in mind that WLS and WENR are dividing time—WLS, 41 minutes of sponsored program; 9 minutes of sustaining programs; no institutional programs; a total of 51 minutes.

WIBO, 2 hours and 26 minutes commercial program; 2 hours and 19 minutes of sustaining program; 33 minutes institutional program; a grand total of 5 hours and 18 minutes.

KYW, 1 hour and 32 minutes sponsored program; 1 hour and 1 minute sustaining programs; 11 minutes in-
762 stitutional programs; a grand total of 2 hours and 44 minutes.

WENR, 1 hour and 9 minutes of sponsored program; 2 hours and 51 minutes sustaining program; 24 minutes institutional program; a grand total of 4 hours and 24 minutes.

WCFL, 33 minutes of sustaining program; 7 minutes of institutional programs; a grand total of 40 minutes.

Q. How many hours of programs are originated by the National Broadcasting Company in their studios for general circulation which do not go into the city of Chicago?
A. We originate on both the Red and Blue network——

Q. You understand, I have reference only to the eastern part of the chain and not to the Pacific coast. A. The daily average of programs originated on both the Red and the Blue network run approximately 18 hours a day, or a total of both networks, different programs, of 36 hours a day.

Q. And it follows that slightly less than half of the programs originated by N. B. C. find their way into the city of Chicago by use of stations operating within the city of Chicago? A. That is true; and I am assuming that approximately all of the programs, whether they are sponsored, sustaining or institutional, which originate in our various studios, are adapted to the Chicago area. There may be a few exceptions, but not many.

763 Cross-examination on behalf of applicant WJKS.

By Mrs. Willebrandt:

Q. The N. B. C. owns WGN in Chicago, does it not? A. No.

Q. It leases it? A. WGN is the Chicago Tribune station.

Q. Which one do you lease? A. WENR.

Q. How about WCFL? What relationship do you have with that, if any? A. None other than it is one of our associated stations, one of the stations which is offered programs.

Q. Do you put any programs on WGN? A. Yes.

Q. Do you know what the rates for WGN and WCFL are? A. No; I don't know what the rates are.

Q. The hour rate? A. Our rates to them are the same.

Q. WGN charges $350 an hour, do they not? Do you know whether or not that is right? A. I don't know, but I would say it was approximately that.

Q. And you pay $50 an hour? A. For commercial programs.

Q. Have you any reason to believe that they would not take lots more of N. B. C. programs if N. B. C. paid
764 the rate? A. I presume they would. That is, we have considerable difficulty with the present rates.

Q. How many network programs does N. B. C. present simultaneously? A. We have 18 hours a day on both networks, and they run simultaneously. No duplications.

Q. You present the Blue and the Red network simultaneously? A. Yes.

Q. Do you control one of the outlets, WENR? A. At the present time; yes.

Q. Do you use all its time with your programs? A. No.

Q. You sell the rest of the time? A. Well, we have only had the station a limited time, and that station has certain contracts which we feel disposed to carry through; and I do not suppose, taking our own experience here in Washington, that it is necessary from the standpoint of public interest to maintain local identity for that station.

Q. You sell the time you do not use for lots more than $50 an hour, do you not? A. It has been sold. I don't know what contracts we are making at the present time for WENR.

Q. But you are making contracts to sell time on WENR now? A. I couldn't say definitely. We have made
765 a very small number of contracts for the very simple reason that we control the station through lease and our clients insist that they have that station for an outlet in Chicago, and we have a certain moral responsibility, at least, to give them that outlet if it is possible.

Q. I am calling attention, now, to applicant's Exhibit 5, referring to the Chicago stations, with circles marking the service area as defined by the Federal Radio Commission in the WGY case. Will you state whether if WIBO were removed from the Chicago area there would still be at least six stations serving the same territory or larger territory from which you could contract for time? A. Well, potentially, yes. Practically, it would be impossible. We have been trying for two years.

Q. Would it practically be impossible because they would not sell you the time at $50 an hour? A. That is right.

Redirect examination.

By Mr. Boyd:

Q. I will ask you to state whether or not you know this station operating on a thousand watts at night and 1500 watts in daylight has rendered to the National Broadcasting Company satisfactory service? A. It has.

766 **V. Ford Greaves** was called as a witness for and on behalf of respondent WIBO and, having been first duly sworn, testified as follows:

Direct examination.

By Mr. Boyd:

Q. You are the Assistant Chief Engineer of the Federal Radio Commission? A. Yes.

Mr. Boyd: Are you willing to admit his qualifications?
Mrs. Willebrandt: Certainly.

By Mr. Boyd:

Q. I will ask you to state what are the factors which go to make up the quota of a state? A. The factors which are used by the Engineering Division in calculating the quota of zones and states are essentially radio broadcasting facilities; and facilities are licenses, frequencies, hours of operation, and power.

Q. Then power alone is not the primary factor in determining the value of the facilities granted to states; is that right? A. No. Power considered by itself is only one of the factors and, considered alone, amounts to practically nothing.

Q. If all the factors are included, how does this
767 compare with the actual quota units assigned a state?

A. The quota units as given in General Order 92 are based upon those four factors, including power.

Q. As an engineer do you agree with the standards of interference ratios for various frequencies as set forth by Commander Craven in his testimony? A. I do, with certain amplifications from my own experience along this line. The question of interference, I think, is to a great extent, a matter of personal opinion, depending upon a great many variable conditions; and I might give a few examples. For instance, in considering interference we must consider program—the type of program, for one thing; the personality of the listener for another thing; how he happens to feel at the time is another one; and also the acoustics of the room in which the observations are made is a very important factor and one which is very seldom considered.

For instance, if you have a program consisting of a brass band or a loud jazz orchestra there is a certain amount of interference which might not be objectionable—and there are some who think it might even improve the program. On the other hand, in certain other types of pro-

grams where there are silent periods—for instance, in a religious program during a silent prayer, the slightest amount of interference is considered very objectionable by a great many people. In fact, many listeners who complain of interference under those conditions complain of interference which originates in their own receiving sets. It does not come in from any other station at all. A
768 little A. C. hum in their own receiving set will be complained of as interference.

With those modifications I think that we have some basis to consider, and on that basis of average I think the figures which have been submitted by Commander Craven will represent a very good average.

Cross-examination on behalf of applicant WJKS.

By Mrs. Willebrandt:

Q. How far apart should stations be with a thousand watts power, regional stations? A. Two regional stations each of 1,000 watts power should be separated 1200 miles to reduce objectionable interference in the good service area of each station when operating simultaneously on the same frequency.

Q. How far is Syracuse from Gary, Indiana? A. I don't have an accurate map, but my records indicate approximately 600 miles.

Q. What would you expect as to interference between two stations operating 600 miles apart, or half the distance you have recommended, if their frequency was 1360 as compared with the same stations if their frequency was 560? A. From my own experience I would expect the difference to be so slight that the average listener could not tell the difference.

769 Q. Suppose you had lived in the good service area where two stations on the 560 frequency were operating closer than your recommended distance apart, and you encountered no interference, but consistently good reception, and in the same area two stations were operating on 1360 and had interference and cross talk and heterodyne: would you change your reply? A. No; I would not change my reply. I would investigate the technical adjustments of the stations.

Q. You would then examine the technical adjustments of each of the stations? Is that what you mean? A. All four of them.

Q. Suppose you had no access to any except one of them; what would you do? A. I would not inspect it.

Mr. Cook: You mean, you would not inspect the one you had no access to? A. No.

Chief Examiner Yost: The Examiner wonders if it is clear what is intended by the question and the answer. Did the witness mean to say that he would not inspect the station to which he had access?

The Witness: No; I would not inspect the station to which I had no access.

Chief Examiner Yost: But the question was, if you had access to but one of them, what would you do?

The Witness: Well, I was considering largely a hypothetical proposition.

By Mrs. Willebrandt:

Q. And it is still hypothetical, but it is a narrowed
770 hypothetical situation. Where you have access to but one of the four stations that we have described, what would you do then? A. Then I would assume that there must be something wrong with whichever station did not comply with the theory.

Q. Suppose you lived in the good service area of two stations: the one on the 560 frequency is about 600 miles from its associate station on the 560 frequency; the other on the 1360 frequency is about 600 miles from its associate station on the 1360; you have access to one station on the 1360 frequency; you listen consistently over several years, or at least a year's time, and consistently experience clear and uninterfered-with reception from the station on the 560 frequency, and receive interrupted reception, across talk and heterodyne, from the station on the 1360 frequency; you put your 1360 station in a satisfactory condition and still get heterodyne and cross talk from it and still get clear reception from the 560 station: what would you do?

Mr. Cook: Now, if your Honor please, there is an assumption in that hypothetical question which is not predicated upon any evidence in this record, because that assumption must be based upon proof in this record that

Station WJKS has been put in good condition; and the evidence is to the contrary.

Mrs. Willebrandt: I have not referred to any station in the question.

Mr. Cook: You must refer to some station that has been talked about in evidence here, or it is not a proper hypothetical question.

771 Mrs. Willebrandt: We are in this question, Mr. Examiner, seeking to make more concrete the opinion of this expert witness when he answered that he would not change his opinion that no greater interference would come from 1360 than from the 560, even if he had had experience to the contrary.

Chief Examiner Yost: It was not intended that the hypothetical question be predicated upon the testimony given in this case.

Mr. Cook: Then it is not in the case.

Mrs. Willebrandt: I am not intending anything by the hypothetical question except to get more clearly the opinion of this witness.

The Witness: I think I can clear up a great deal of misunderstanding in regard to the difference between high frequencies and low frequencies in the broadcast spectrum.

By Mrs. Willebrandt:

Q. I would like to know your opinion as an engineer, what you would do in that given instance. A. If I was to correct the situation?

The Witness: The only part of it that is not clear to me is, what would I do as a listener, or what would I do as an engineer if I were employed by one of the stations, or what would I do if I was given the job of eliminating interference? There are three ways to answer it——

By Mrs. Willebrandt:

Q. Manifestly as a listener you could not do any-
772 thing. A. Oh, yes; a listener can eliminate it very easily.

Mr. Cook: You say he cannot do anything, and he says he can.

The Witness: As a listener, all you have to do is to engage the services of a radio service man and reverse the ratio of the induction to capacity in your receiving set and make it more selective on the high frequency than it is on the low frequency. That is one step.

By Mrs. Willebrandt:

Q. What would you do as the owner of the station, and then what would you do as an engineer? A. As the owner of the station, if I could not get the other station to cooperate with me in eliminating the interference, then I would try, of course, to get on to another frequency, where a station would cooperate; but I would expect in so doing that if I made such a shift that maybe next week the station that I got on with might go off maintenance and I would have the same trouble there and want to go back to my other one. It is not a cure——

Chief Examiner Yost: You would expect to put your station in the best possible mechanical condition?

The Witness: Yes; by all means.

Mr. Cook: I point out at this stage, again, Mr. Examiner, while the question has been put and the answer made, the question is in bad order because it presupposes that the station being considered first has been put in good condition; and there is no evidence here that WJKS has
773 yet been put in good condition.

Chief Examiner Yost: That is understood. The answer was given with that understanding.

Mrs. Willebrandt: The answer was not given with the understanding that WJKS has not put itself in good condition.

Mr. Cook: It is up to the Examiner to decide that point.

Chief Examiner Yost: That there has been no proof that the station had been put in the best possible mechanical condition.

Mrs. Willebrandt: Is the Examiner holding that that is material in asking the hypothetical question?

Chief Examiner Yost: No.

By Mrs. Willebrandt:

Q. Would the granting of full time to Gary increase the quota of Indiana? A. It would, unless equivalent facilities were also removed from Indiana at the same time.

Q. Would the taking of the full time assignment from WIBO and WPCC decrease the quota of Illinois?

By Mrs. Willebrandt:

Q. Would the effect of the granting of full time
774 assignment to Gary, Indiana, be to bring the Illinois and Indiana quota figures nearer to those which the Commission has determined they are entitled to? A. Yes.

Redirect examination.

By Mr. Cook:

Q. Mr. Greaves, if the suggested addition of facilities at Gary, Indiana, were awarded, would that improve the general broadcasting situation in the State of Indiana for the interest, convenience and necessity of that state, the station being in the northwest corner of Indiana within 20 miles of Chicago, Illinois? A. From a purely engineering point of view we consider that a signal of a given field strength is service, independent of the type of program; and on that basis it would appear that Gary is already served with a sufficient number of microvolts from stations in the vicinity to give it a large variety of radio service.

Q. Would the additional facility, if any were awarded to Indiana, be better located for the interest, benefit, necessity and convenience of the people of the State of Indiana if awarded within the central range or lower range of the state, or the northeastern range of the state? A. The allocation plan from an engineering point of view does not take into consideration the location of stations within each state, but it is clearly evident from an engineering point of view that the best service is the best distribution,
775 the widest possible distribution.

By Mr. Boyd:

Q. Having in mind your answer with reference to the matter of the application to change from 1360 by WJKS to 560, which is now used in the State of Illinois by WIBO and WPCC, I will ask you if the granting of that application would not further increase the quota which the State of Illinois is entitled to under the computation of the Federal Radio Commission with respect to regional channels.

A. My record shows that Illinois on regional channels is due 7.31 and assigned 2.95. The removal of this
776 facility from Illinois would reduce the number of regional channel assignments.

Q. Is Illinois entitled to 7.31? A. Yes.

Q. And they use 2.95? A. Yes.

Q. And to allow this application would make the under quota in the state greater than it now is on regional frequencies? A. On regional frequencies the quota would be reduced .69 units.

By Mr. Boyd:

Q. It is a fact that the State of Illinois, so far as regional channels is concerned, in the assignment of regional channels, is under quota?

Recross-examination on behalf of applicant WJKS.

By Mrs. Willebrandt:

Q. You said, it would put Illinois under quota for regional channels. How much under? A. .69.

Chief Examiner Yost: Would it reduce the regional assignment by .69?

777 The Witness: Yes.

Chief Examiner Yost: Mrs. Willebrandt asked how much it is under on regional assignments.

By Mrs. Willebrandt:

Q. Chicago, according to your quota sheet there, has how many units in regional channels? A. I don't have it divided into cities. I have it by states.

Q. All right; the State of Illinois? A. Illinois is due 7.31 units in regional channel assignments.

Q. And it has what? A. There are now assigned 2.95 units; and if this facility is withdrawn from Illinois the assignment will be reduced .69 units.

Q. Now, Mr. Greaves, has the Commission by any order, order 92 or any other, allotted to zones or states any definite number of regional channels as such?

A. Yes; by General Order 40.

Q. Then is the State of Illinois over quota? A. The state of Illinois is over quota on total facilities, but under quota on regional facilities.

Q. Then if the State of Illinois is over quota on total, and this application were to take off a clear channel station, would it make Indiana over quota? A. I don't understand that at all.

778 Mr. Cook: The application deals with this regional station. Are we to investigate what would happen if another application were filed?

Chief Examiner Yost: Why did you put into the question that if this application should take from Illinois a clear channel frequency?

Mrs. Willebrandt: Order 102 makes you apply for something definitely. Evidence has been introduced that according to the quota figures of the Commission—and this witness has testified that there is an allotment under General Order 40—the State of Illinois is entitled to so much regional facility. The Commission's General Order 102 commands the applicant to choose a particular station to bring over into the State of Indiana. If it chose a clear channel station, which he says they are only over quota on, would it make Indiana over quota?

Chief Examiner Yost: There is no proposition here to take a clear channel from Illinois.

Mrs. Willebrandt: I am bringing out, though, the impossibility of his theory of 40, which I do not think is sustained by the law in the face of General Order 102. This applicant had to choose something to take out of another area. Had it chosen a clear channel station it would have made the state that it is asking the assignment of that clear channel station to, over quota.

Mr. Cook: I think that is purely a philosophical question that is being asked. I think that Mrs. Wille-
779 brandt has chosen her target and she has got to stick to the target or else quit shooting.

Mrs. Willebrandt: I am sticking to the rules of the Commission. They have never been tested out. They are inconsistent in their application, but we are going to apply them by letter and by interpretation, for just as they are interpreted they should be applied until their inconsistency shows up.

Mr. Cook. If she has come here under the rules and orders of this Commission and made an application, she

takes under the will. Now she wishes to attack the will and take the dower right.

Mrs. Willebrandt: No; I do not wish to attack the will; I wish to get the will interpreted.

Chief Examiner Yost: I can see no objection to the witness testifying, while I do not regard it as material, what the unit value of a clear channel station is.

Mr. Cook: It is purely informative and not pertinent.

Chief Examiner Yost: The Examiner agrees with that.

Mrs. Willebrandt: This is really in the record by the order, anyway——

Chief Examiner Yost: Yes. The witness may state the value of a clear channel station, which would be in substance an answer to the question. But the Examiner does not regard it as material.

The Witness: A clear channel full time assignment has a unit value of 5.

By Mrs. Willebrandt:

Q. Would 5 added to Indiana's present under-
780 quota condition make it over quota? A. Yes; 5 would.

Q. Is it your statement here, Mr. Greaves, that General Order No. 40 definitely allocates in percentage the clear channel or regional facilities to states within a zone? A. Not in percentages; no.

Q. Does it in any other way actually allocate to states those definite facilities, or does it evaluate those facilities and add up the totals and determine as a total whether a state is over quota or under quota? A. General Order 40 has no particular bearing on quota, but it divides frequencies into three classifications and allocates them to zones and states as such.

Q. Then it is your statement here that General Order 40 allocates definitely regional channels to states as such? A. Regional channel frequencies.

Q. It allocates them? A. Yes.

Q. Then would you say that General Order 92 is correct in stating that Indiana is under quota and Illinois is over quota? A. On total radio facilities.

Q. If it is not clear I will ask the question in another way. Does General Order 92 state that Illinois is over quota? A. No; it merely defines the unit value of certain allocations or assignment.

Q. But it does not allocate those assignments 781 & 782 at all, does it? A. No.

Q. Does it in totaling the values reveal that Indiana is under quota? A. General Order 92 does not.

Q. Does a later order of the Commission? A. I don't recall any order of the Commission on quota.

Q. From the tabulations of the Commission do you state that Indiana is or is not over quota? A. The tabulations of the Commission, based on all of the factors that go to make up quotas, show that Indiana is 20 per cent under quota on total facilities as of April 14, 1931.

Q. How many units under quota? A. 1.95.

Q. How many units is Illinois over quota? A. Illinois is over quota 11.15.

Q. Is there any other state in the 4th Zone that is over quota as many units as Illinois? A. No.

783 By Mrs. Willebrandt:

Q. From your understanding of the orders of the Federal Radio Commission allocating facilities to the various states and zones, it is your opinion that the statement of the Federal Radio Commission——

Chief Examiner Yost: You are assuming that there is such a statement. It is not in the record, is it?

Mrs. Willebrandt: I think it is in the record, in the reply of the Federal Radio Commission in this case.

By Mrs. Willebrandt:

Q. (Continuing:) —stating that Indiana is under quota and the 4th Zone is over quota—is that correct or not?

Mr. Boyd: I object to the question on the ground that this witness is here as an engineer, as an official of the Federal Radio Commission and as an employee thereof. She is now asking this witness to answer a question which is peculiarly within the purview of the courts.

Chief Examiner Yost: It has been frequently shown by the testimony in this hearing that Illinois is over quota and Indiana is under quota. If you mean for him to say whether that is right according to the record, he may answer, but whether it is correct as a matter of policy or regulation——

Mrs. Willebrandt: Whether he understands that is correct according to the orders of the Federal Radio Commission.

Mr. Clifford: The quotas speak for themselves.

The Witness: The quota system and the quota tabulations which are used by the engineers and calculated by the engineers are based upon an engineering interpretation of the Davis Amendment and the orders of the Federal Radio Commission; and it is my opinion as an allocation engineer that the present system showing Indiana 20 per cent under quota and the 4th Zone 27 per cent over quota is as accurate as it is possible to develop with any reasonable degree of accuracy.

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Mr. Cook: One question, an engineering inquiry: Interference is present generally in these regional stations, is it not? Is interference encountered in regional stations?

The Witness: An engineering definition of a regional station, a regional station classification, is service area restricted by interference, unavoidable interference.

788 **Alvin E. Nelson** was called as a witness for and on behalf of respondent WIBO and, having been duly sworn, testified as follows:

Direct examination.

By Mr. Boyd:

Q. Your name is Alvin E. Nelson? A. Yes.

789 Q. You are president of Nelson Brothers Bond and Mortgage Company, an Illinois corporation? A. Yes.

V. Ford Greaves, the witness under examination at adjournment, resumed the stand and, having been previously duly sworn, testified further as follows:

Cross-examination (resumed).

By Mrs. Willebrandt:

Q. I show you this document marked "Federal Radio Commission, July 2, 1930," and ask you to state what it is.

Is it necessary to identify that document, Mr. Examiner?

Chief Examiner Yost: The practice has been to have copies of all documents from the files of the Commission certified and offered in duplicate.

Mrs. Willebrandt: I will have it certified, then, if I may have it identified and testified to now. I have it here in duplicate.

A. This document, dated July 2, 1930, No. 2695, is a release by the Commission entitled "Equitable division
790 of radio broadcast facilities within the United States. Explanation of General Order No. 92 and revised quota tables."

By Mrs. Willebrandt:

Q. You are familiar with this document, are you? A. Yes.

Q. Will you just state what, in your opinion, as an engineer of the Federal Radio Commission, this announces with respect to a state that is over quota in total facilities assigned but which may have less in detailed assignment of power or regional channel or daytime stations or night time stations announced as due? A. Prior to the adoption of General Order 92 the equity tabulations used by the Engineering Division when calculating quota were based upon General Order 40 and the Davis Amendment. At that time quota was tabulated only on the basis of full time assignments due and assigned in each of the three classifications, clear, regional and local. That is, the three classifications of stations known as clear, regional and local, were calculated as to the number of full time facilities of each classification due each state under the Davis amendment, and then the number or fraction of an assignment was tabulated alongside of the number of assignments due, so that the difference between assignments due and assignments licensed showed whether or not the state was over or under quota on each classification. But under this system there was no method of adding the three classes of facilities to determine whether or not the state was over or under quota on total radio facilities. Therefore that led to the adoption of General Order 92 and the tabulation of facilities
791 on the basis of units, so that the quota could be determined on total facilities independent of the ratio of these classes.

Q. What is your opinion under the regulations and engineering practices of the Radio Commission relative to the removal of any facility from a state that is over quota in

total assignments of units? A. All of the engineering calculations in regard to quota are based on total facilities independent of the ratio of the three classes.

Q. Under the engineering practice and orders of the Commission, particularly since the adoption of quota figures, is a state that has a total facility licensed in clear channel stations so over quota in clear channel assignments only that the reduction of the quota would be limited to removing from that state clear channel assignments only?

Mr. Cook: If the Examiner please, that kind of an inquiry of the witness is not taking his opinion on any scientific or engineering question, but it is entering the field of judgment and policy and practice of the Commission in the light of the Davis Amendment and its provisions, and I think that while the witness' expressions may be interesting, it cannot be said to go to proof on which judgment can be made in this hearing.

Chief Examiner Yost: The Examiner is of the opinion that the question touches upon a matter that is in issue here; but as to the qualifications of this witness to testify, that is, to give any expert opinion. it is not an engineering question in the opinion of the Examiner. The Ex-
792 aminer is frank to say that he is not advised of the consideration or weight given by the Commission to the fact of a state's being over quota on an assignment of regional, local or clear channel facilities in cases where there is an application for additional facilities in that state in the particular class where it is over quota and where another class in the same state is under quota.

For example, if the State of Ohio is over quota on local assignments, is under on regional and under on clear channel assignments, and is entitled to additional radio facilities, and an application is made for additional local facilities, whether or not the Radio Commission regards that as a barrier to its granting that application for additional local facilities.

The Examiner is not advised of the Commission's attitude or position or policy with reference to cases of that kind.

Mrs. Willebrandt: My question, then, does not accomplish the end that I am seeking from this witness. I have no desire or intention to get from this witness any prophecy of what the Commission would do or what the Examiner would

do. I only believe that he is qualified to interpret the meaning of the quota and its explanation, because that is an engineering question; and I am trying, if I can, to make it clearer by pointing out the spot in this explanation of General Order 92 issued by the Radio Commission—I am directing my attention to the second paragraph which points out that the proportion of the maximum possible national radio facilities due each state is fixed by law.

793 This witness yesterday brought out the fact that in the set-up of facilities the Commission had listed as due each zone the facilities, and then, by zone, had broken it down into states in the zone. There would appear from the tables to be less than the maximum the state might use of regionals, but a great excess of total facilities. By the redirect examination emphasis was laid upon that figure of less than the amount which the State of Illinois might use of regionals. I believe this witness is competent, with the aid of the explanation of the revised quota tables given in this document which I have offered in evidence to support his testimony upon, to explain whether in the policies of the Radio Commission relative to the quota it would be within his department, it being an engineering question, the fact that the State of Illinois is now using less than the number of regionals it might have is any defense to their total or maximum over-quota condition.

The wording of this explanation of the revised quota tables, paragraph 2 particularly, is what I am addressing this question to; and I may put it perhaps in clearer form by asking directly whether the fact that there is less facility in use of a particular kind in a state, if that state in total facilities in use is over quota, is, under the rules and practices of the Radio Commission——

Chief Examiner Yost. He may answer that question.

Mrs. Willebrandt (continuing): —any defense to its over-quota condition.

Chief Examiner Yost: If you had not added that last clause——

794 Mr. Cook: If the Examiner please, our last purpose would be to limit the examination of this very competent witness. Anything he can say as to the facts in an engineering way or as to the statistics within his knowledge, may be useful. But that is already on the record. He stood cross examination yesterday as to the figures and

statistics. This question involves an interpretation of stated facts appearing in publications by the Radio Commission, official in nature. They are on the record. That very paper has been admitted. To ask him to express opinions interpreting rules and regulations, what would be the situation in this, that, or the other circumstance, is to ask him to give views upon matters which are part of the judgment of the Radio Commission on this very application, and they are useless from a probative standpoint; they are meaningless to the Commission which has to make a decision which will then be the view it is taking as to how its policies and its quasi-judicial acts are to be executed and adopted.

I think this is simply loading the record and taking time for something that is quite beyond the utilities of the proceeding. The Commission might consult with him as to what he thinks ought to be done; but it is not up to the applicant in this case to lay it on the record for their use. He has testified to engineering principles; he has testified to figure-facts. That is what they want to know if they want to examine this record to be informed as to the result of the hearing. It would go on for ten days at this rate.

Chief Examiner Yost: The Examiner is of the opinion that the witness can answer the question if the last phrase is left off as to whether or not it is a defense.

795 Mrs. Willebrandt: Will you read the question?

Mr. Newman: I object, for the same reasons that Mr. Cook has stated.

Mrs. Willebrandt: I will change that question, if I may, to rephrase the last sentence of it.

By Mrs. Willebrandt:

Q. I will ask whether you can say, in your opinion, that that condition would mean that the state was not an over-quota state.

Mr. Cook: I think that goes to the same thing,—his opinion as to the structure which might be erected or has been erected is useless on this record, interesting though it may be, and enlightening to us individually; but it does not prove a fact or an engineer opinion that is pertinent. He can advise the Commission, and probably does at great length; that may be his function with the Commission as one of its important advisers. But that is between him and the Commission and

something for the Commission to erect as a policy or as a judgment of the general position in the United States. It is meaningless here.

Chief Examiner Yost: It has been shown several times or frequently during this hearing that Illinois is an over-quota state in total facilities assigned. There is no dispute as to that and no question as the Examiner understands it.

Mr. Newman: It has also been shown what goes to make upon those facilities.

796 Chief Examiner Yost: Yes. The total of each, locals, clear channels and regionals, has been shown and put on the record.

Mr. Newman: And the elements taken into consideration in arriving at the unit value.

Mr. Cook: We are not here to change the policy of the Radio Commission. They will change that if they want to, in the light of their own knowledge by themselves secured for the purpose of erecting a general policy in the administration of the law; but for us to sit here and interpret what they have said in the past and suggest what they ought to have said or should say at the present time or what they ought to do in the future is not the function of this hearing.

Mrs. Willebrandt: I must here state that this does go to the heart of the situation as far as the defending of the record that is being laid in this case is concerned. I must remind Mr. Cook that I said in explanation of the questions that are being asked this witness that applicant in following General Order 102 is obliged to choose a facility which it desires to secure, when asking for the relief it prays for, in an over-quota state. There has been doubt cast upon this choice by the introduction of testimony to the effect that although Illinois was over quota in clear channels, it was under quota in regionals, thus building an inference which might be very misleading to one less versed in radio practice and law than the Commission is, that General Order 102 had not been complied with in that the applicant had not laid its petition for relief in conformity therewith

797 by choosing a facility in truly an over-quota state.

I think I can lay a better foundation, if the Examiner desires, to show that the witness collaborated with the Commission in the preparation of these regulations and orders and he is a proper person to explain the meaning of the words used.

Chief Examiner Yost: Let the Examiner express his opinion on that.

The Examiner is of the opinion that the fact that Illinois in under *on* regional facilities is no barrier or no defense to the granting of this application. The question is wholly one of public service and is determined upon the facts presented here. The applicant has sought a facility in an over-quota state for use in an under-quota state in the same zone.

Mrs. Willebrandt: I withdraw the question, and with that ruling from the Examiner the record is clear.

Chief Examiner Yost (continuing): Under General Order 102 and under the rules and regulations of the Commission.

Mr. Cook: Your expression of view on which you rule, if you rule, is that the application does show a request for a facility to come to the applicant's station in Indiana from Illinois where there is an over-quota condition as shown so far by the proof?

Chief Examiner Yost: That is right.

Mr. Cook: And then the whole case depends on judgment thereafter in the light of that fact.

Mrs. Willebrandt: I wish to introduce these documents which I will have certified.

798

Chief Examiner Yost: They may be admitted when properly certified in duplicate.

(Two copies of the document referred to, dated July 2, 1930, No. 2695, were received in evidence and identified by being marked "Docket 1156, Applicant's Exhibit No. 38", and were withdrawn for the purpose of certification thereof.)

Redirect examination.

By Mr. Boyd:

Q. Does not a clear channel station located near the border of a state also serve the adjacent state? A. Usually.

Q. Does it in the case of Chicago and the territory adjacent to Gary? A. Yes. I believe that all the clear channel stations in Chicago serve beyond the limits of the State.

Q. Then in so far as reception is concerned, a clear channel station can serve more than one state; and under the practice, the state in which the station is not located is not charged even though such state may receive excellent service from said clear channel station? A. Correct.

Chief Examiner Yost: The Examiner feels it proper, since that question has been raised to call the attention of all the counsel to this fact, and he regards it as an important one, and so far as he knows, it has not been passed upon by the Commission nor touched upon by any of the Ex-
799 aminers in their reports.

Section 5 of what is commonly known as the Davis Amendment provides that the people of all the zones—making the zone the unit—are entitled to equality of radio broadcasting service, both of transmission and reception. Then it provides how the Commission may bring about this result, that the licensing authority may grant licenses for frequencies or wave lengths and for time and for power.

What the Examiner desires to call especial attention to is that the provision in this section relative to the allocation or to the distribution of licenses among the states is that the Commission or the licensing authority shall make a fair and equitable allocation of licenses, wave lengths, time for operation and station power to each of the states according to population.

The Examiner wants to make himself clear on this. In the zones broadcasting service, both of transmission and reception, is taken into consideration, and it provides that all shall be equal; all zones are entitled to equal broadcasting facilities. States are entitled to equality of broadcasting facilities according to population.

What the Examiner has in mind since this question has been raised is that states are entitled to equality of power, wave lengths and time according to population. Therefore it is very apparent that Illinois is entitled to considerably more facilities than Indiana; but is Indiana chargeable with any of the facilities that are assigned to Illinois? That is the question. Zones are equal in facilities and shall have equality of broadcasting service, both of transmission
800 and reception. States shall have equality, based upon population, of power, time and frequencies.

The attorneys do not need to express themselves on this at this time if they do not want to, but later on I should be glad to have something from them in memorandums filed for the aid of the Examiner in the way of proposed findings, or a statement of facts and findings. He would be glad to have any help or suggestion. That question has long been in the Examiner's mind.

Mr. Clifford: What does the Examiner mean by "chargeable"?

Chief Examiner Yost: Chargeable as part of the quota. Is the fact that a lot of the reception from Chicago reaches Indiana entitled to any consideration whatever?

Mr. Cook: What was the Examiner's last statement?

Chief Examiner Yost: Is the fact that much of the broadcasting from Chicago reaches Indiana entitled to any consideration under the law?

Mr. Cook: You mean, it is neither in the case nor out of it.

Chief Examiner Yost: Because the law says, equality of time, power and frequencies among the states according to population.

Mr. Clifford: The question is, whether or not the law means that the facilities enjoyed by the population of the state must originate in the state, or can it be considered as having equal facilities if the facilities are brought in from some adjoining state?

Chief Examiner Yost: Yes. After much consideration the Examiner is of the opinion that the state is only chargeable with the facilities allocated to it of frequency, time and power, because the law says, equality among the states, according to population and provides it shall be based on time, power and frequency.

801

Mr. Clifford: You are answering the question, are you?

Chief Examiner Yost: I am simply giving my opinion. The Examiner may be in error.

Chief Examiner Yost: It is the Examiner's interpretation.

Mrs. Willebrandt: The Examiner would seem to be right in that opinion, because the Act itself provides that the stations shall be charged to the state where the principal studio is located.

Mr. Clifford: That is, that the state can only be chargeable with the broadcasting facilities which originate within the confines of the state.

Chief Examiner Yost: In other words, New Jersey is not chargeable with all the broadcasting out of Philadelphia or out of New York. You can only charge New Jersey with the assignments of time, power and frequency.

Mr. Cook: In other words, it is only chargeable with those stations using the power and the frequency and employing time there.

Chief Examiner Yost: Yes: In other words, the stations actually operating within its borders.

Mr. Clifford: The Examiner states that as his opin-
802 ion, but would be glad to hear from counsel if they have any ideas to the contrary?

Chief Examiner Yost: Yes.

The Witness: May I be permitted to make a brief statement on that, off the record?

Chief Examiner Yost: You may make it on the record.

The Witness: I have given this matter a considerable amount of study and attention and right along the lines of thought which the Examiner has expressed, and I think I understand the point which he makes, but I would like to go one thought further.

I think the Examiner's point is that if a zone has equality of reception and transmission and each state has equality of transmission, that would meet the requirements of the law. But supposing that the transmitter of a high power station is located on the edge of a zone and sends three quarters of its facilities into another zone: then we immediately come up against that problem again on the question of equality of reception.

Chief Examiner Yost: But under the law some state must be definitely charged with each of the assignments of every station. It is definitely assigned to some particular state.

Mr. Cook: And that is geographical ascertainment.

Chief Examiner Yost: Yes.

Mr. Cook: If the Examiner please, you suggested this question, and I wish counsel would consider it and at a later time submit their views. May we leave it in that position now and pass to the proof, so as to leave no curbstone opinions on it. It is obviously a matter that requires study.

803 Mr. Clifford: If counsel please, while the witness has given his view as to the situation in a case where there is broadcasting on the edge of one zone and it goes into another zone, I would like to ask the witness to continue that and say what his view is if the broadcasting is on the edge of a state where a large part of the broadcasting goes into and is received in an adjoining state.

Chief Examiner Yost: It is entirely chargeable to the state in which the main studio is located.

Mr. Clifford: Will the Examiner allow the witness to answer my question?

Chief Examiner Yost: Yes.

The Witness: As I said before, I had given this matter a considerable amount of attention, and recently before the Washington Section of the Institute of Radio Engineers I read a paper on this subject, and in that paper I brought out what I thought, from an engineering point of view, was the test of this very question; that is, as to whether the charge to a state of a station which is located on its border and sends most of its service into the population of other states is a proper one to the state in which the studio is located. To me the answer seems to be to ask that station if it is willing to forego the advertising which its state gets by the announcement of its call letters, the name of the station, the name of the city and the name of the company—in other words, if the station owner is not willing to
804 charge that entire station to the state in which it is located but which is putting its service into other states, and then take away his identity, and he is perfectly willing to take the full charge in his state, because states compete for popularity and for business just as do commercial companies.

Alvin E. Nelson, a witness previously called and sworn on behalf of respondent WIBO, resumed the stand and testified further as follows:

Direct examination (resumed).

By Mr. Boyd:

Q. I asked you, I believe, if you were the president of the Nelson Brothers Bond and Mortgage Company, an Illinois corporation. A. Yes; I am.

Q. With principal offices in Chicago? A. Yes.

Q. How long have you been the president of the Nelson Brothers Bond and Mortgage Company? A. Since its organization in 1925. It followed Nelson Brothers who had been in business since 1911.

Q. Nelson Brothers Bond and Mortgage Company
805 is engaged in what business? A. First mortgage real estate business.

Q. And is it also engaged in broadcasting? A. Yes.

Q. I will ask you if the business of radio station WIBO is conducted as a separate business from the bond and

mortgage business and how the books and records and financial records of radio station WIBO are kept. A. It is entirely separated from the Nelson Brothers Bond and Mortgage Company. A separate set of books is kept, and always has been.

Q. What with reference to the bank account? A. Similarly; the bank account of WIBO is kept in the Sheridan Trust and Savings Bank, and the Nelson Brothers Bond and Mortgage Company main account is in the Central Trust Company of Illinois.

Q. Have you prepared a balance sheet as of February 28, 1931, covering radio station WIBO? A. I have.

Q. Do you have that document before you? A. Yes, sir.

Mr. Boyd: We now offer as respondent's Exhibit 16-A balance sheet of WIBO as of February 28, 1931.

Chief Examiner Yost: What does it show?

The Witness: The balance sheet of WIBO.

Chief Examiner Yost: What period of time does it cover?

The Witness: This is of February 28, 1931

Chief Examiner Yost: The witness knows it to be a true and correct copy?

The Witness: I called the auditing firm of Thulin
806 & Company and had them prepare it from our records. There was some question raised in the last hearing as to the standing of Nelson Brothers, and I figured it would be a good idea to have it here.

Chief Examiner Yost: Do you have a certificate from them?

The Witness: It is simply on their letterhead.

Chief Examiner Yost: This relates only to the finances of the radio station?

The Witness: That is all.

Chief Examiner Yost: The receipts and disbursements?

The Witness. Yes, sir.

Chief Examiner Yost: There is no doubt about the matter being relevant. The only question is a question of proper proof. That is a copy of what was furnished you by the auditing firm?

The Witness: Yes, sir, by Thulin & Company.

Mrs. Willebrandt: Thulin & Company made it up from what data?

The Witness: I presume, from the books of WIBO.

Mrs. Willebrandt: Do you know?

The Witness: I do not know where else they would be able to get the information.

Chief Examiner Yost: Who engaged them to make it? Did you, personally?

The Witness: I called my brother down town and asked him to have a statement prepared of WIBO, and he
807 said that Louis was out of town; so I said, "You call the auditors and have them make it up for me." And he handed me this at the train as we left—the Capital Limited, last Wednesday.

Chief Examiner Yost: You do not know whether they had complete access to the books?

The Witness: Oh, yes; they have.

Mrs. Willebrandt: Is it a certified balance sheet?

Chief Examiner Yost: It is not certified.

Mrs. Willebrandt: It is not signed by anybody. Did you ask for a certified balance sheet?

The Witness: No; I did not.

By Mr. Boyd:

Q. Do you know whether or not that is a true statement of the condition of your books as of that date? A. It is.

Mrs. Willebrandt: How do you know it is?

The Witness: I followed the records of WIBO very carefully, and as far as I can see here, it is a record of the books of WIBO.

Mr. Cook: I suggest, if the Examiner please, that the very fact that they got certified public accountants to come in and draw up a balance sheet shows that it is accurate, because business men generally depend upon public accountants to draw up balance sheets.

Mrs. Willebrandt: There is not even any proof, Mr. Examiner, that it was prepared by a certified public accountant or that it was prepared from any data of original sources. It is a memorandum to support, appar-
808 ently, this witness' testimony. It seems to me that his testimony of its financial condition would be better evidence. He can refresh his recollection from this if he wants to; but as a document it is inadmissible.

By Mr. Boyd:

Q. Does the document which you have before you reflect the true condition of radio station WIBO as of that date? A. It does.

Mr. Cook: Then, if the Examiner please, I suggest, to save time, and save reading it into the record, he testify that it is his statement as to the condition of his station.

Mrs. Willebrandt: If the Examiner please, I object to counsel advising the witness how to testify. The document as such is either admissible or not admissible. If it is not admissible it might be proper to be used as a memorandum for him to refresh his recollection on and then testify.

Chief Examiner Yost: In the opinion of the Examiner, the document is not admissible.

Mr. Cook: That is what I just suggested. He says that the memorandum is, to his best knowledge, the statement of his company on February 28, and he testifies that those are the figures.

Chief Examiner Yost: Almost all of the applicants in the high power hearings were large concerns, such as the General Electric Company, Stromberg Carlson, and other companies, and they furnished printed copies of their financial statements containing a printed signature or the name of certified public accountants, and the documents were
809 admitted when it was testified by the manager or some witness that that was a copy prepared by the public accountants.

Mr. Boyd: If the only defect in it is that it is not signed, I will have it signed by the public accountants.

Chief Examiner Yost: He may be cross examined with reference to it and further examined by the attorneys for respondent.

(The balance sheet referred to, as of February 28, 1931, was marked for identification "WIBO 16-A.")

By Mr. Boyd:

Q. Do you know whether or not Bradstreet carries the rating of Nelson Brothers Bond and Mortgage Company? A. Yes, I do.

Q. Do you have the rating as prepared by Bradstreet? A. I have brought a Bradstreet book here.

Q. Will you get it and tell the Examiner what the Bradstreet rating is of your company? Do you have in your hand now the latest printed record of the Bradstreet Company? A. Yes; January, 1931.

Q. I will ask you to examine the book and find Nelson Brothers Bond & Mortgage Company, your company, and indicate the credit standing of that company. A. Nelson Brothers Bond and Mortgage Company, "L. A."

Q. What does that mean? A. That means $300,000 to $500,000, and first credit standing.

Q. Read what the heading is. A. "Estimated wealth, $300,000 to $500,000. Credit standing A. First credit standing."

810 Q. Have the operations of radio station WIBO been profitable since February 28, 1931? A. Yes; they have.

Q. What were the receipts during the last month? A. I called and had our bookkeeper send the deposit book here. From March 23, 1931, to April 22, 1931, the receipts were $28,252.72. During the month of March we show a net profit of in the neighborhood of $9,000 or $10,000.

Chief Examiner Yost: You know that to be the original bank book?

The Witness: Yes, absolutely. This is part of my work.

By Mr. Boyd:

Q. You are testifying from the original bank book of WIBO? A. Yes, which is carried in the Sheridan Trust & Savings Bank entirely separate from Nelson Brothers Bond and Mortgage Company. Only two can sign checks for WIBO, Miss Seffer and myself.

Q. Who is she? A. Our radio station bookkeeper.

Q. I will ask you to please indicate the employees of radio station WIBO. A. We have a personnel of 55 people.

Q. Have you prepared a list of those employees? A. Yes.

Q. Do you know that that list is a true and correct copy of what it purports to be? A. Absolutely. I made this list.

Mr. Boyd: We now offer as respondent's exhibit
811 17-A this document.

Chief Examiner Yost: It may be admitted.

(Two copies of list of personnel of WIBO were received in evidence and identified by being marked "Docket 1156, Respondent WIBO Exhibit No. 17-A," and are filed with the two copies of transcript in possession of the Commission.)

By Mr. Boyd:

Q. What is the total approximate pay roll covering the employees of radio station WIBO? A. I could not say exactly. Our total expenses run from $16,000 to $18,000 monthly.

Q. Would all its employees have to be discharged if this application was granted? A. They sure would.

Chief Examiner Yost: These are all full-time employees of Station WIBO?

The Witness: Yes, sir. It is divided into departments.

By Mr. Boyd:

Q. Are there any exceptions to that? A. The executive and business staff——

Q. Do not read the names. Did you understand what the Examiner asked?

Chief Examiner Yost: If they are all full time employees.

The Witness: Oh. Pardon me. In the program department we have one that is not full time.

By Mr. Boyd:

Q. Who is that? A. Sara Ann McCabe.

812 Q. Have you any on the executive and business staff? A. They are all full time.

Q. Is Mr. Lewis a full time employee? A. No; $45 each week we pay toward Mr. Lewis' salary. He is our controller and secretary of the company. We pay $90 a month from the WIBO account for his salary; so he would be part time. The balance, 53, are all full time.

Q. Do any of these people have families that they are supporting? A. Yes, they have. I would say the majority of them have.

Cross-examination on behalf of applicant WJKS.

By Mrs. Willebrandt:

Q. Is WIBO a separate corporation from Nelson Brothers Bond and Mortgage Company? A. No, ma'am.

Q. Who has the license for WIBO? A. Nelson Brothers Bond and Mortgage Company.

Q. Who, then, has the profits, if any, from the operation of Station WIBO? A. They would eventually, of course, be Nelson Brothers Bond and Mortgage Company's.

Q. How large a corporation is the Nelson Brothers Bond and Mortgage Company? A. One million dollars.

Q. I notice you call it a million dollar corporation
813 in your application for a license. Will you explain that? A. There is a million dollars of stock qualified; possibly $750,000 of ourstanding stock.

Q. Who owns that $750,000 worth of stock? A. The bulk of it is owned by thirty people that have been connected with us since 1917.

Mr. Boyd: Do you mean WIBO?

The Witness: No; Nelson Brothers—since 1917.

By Mrs. Willebrandt:

Q. Will you go down your list here and name those thirty people, or any of them that may appear on the list that you have introduced here, exhibit 17-A? A. This is a list of employees.

Q. There are not any stockholders in that list? A. No, only myself; and Mr. Lewis has one share of stock.

Q. No others that are stockholders on that list? A. No.

Q. Do you personally own the controlling interest? A. No. E. S. Nelson, my brother and myself own the controlling interest.

Q. Are you directly or indirectly interested in the ownership or control of any other radio station? A. No, ma'am.

Q. How about W9XAO? A. We have sold W9XAO to the Western Television Corporation.

814 Q. When? A. The records here will show. I am not sure of the exact date, but it is over a year.

Q. Do you have any connection with it at all? A. We have a contract with W9XAO to broadcast two or three periods during the day, television and sound.

Q. You do not own any of that television stock? A. Yes; 5,000 shares of the television stock.

Chief Examiner Yost: It is owned by the corporation?

The Witness: By Nelson Brothers Bond and Mortgage Corporation—five thousand shares of television stock.

By Mrs. Willebrandt:

Q. How much do you value that 5,000 shares of television stock at? A. I have no idea.

Q. Is it not true that you put it in your balance sheets at $62,500? A. That is what the stock was selling for, $12.50 a share. It is being sold now, I think, for $15.

Q. How much have you sold? A. We have not sold any.

Q. Mr. Thulin is a director in the television company? A. I think he is; yes.

Q. What is the connection, outside of the stock ownership, between the television company and Nelson Brothers Bond and Mortgage Company? A. Not any.

815 Q. What price does the television company pay for broadcasting over your station? A. There is no price paid. We have a 25-year contract with Western Television Company to reserve two periods each day for the broadcast of sound and television.

Q. I observed yesterday you had four periods. A. Possibly. We make shifts in it. There are possibly two or three 15-minute periods.

Q. How many hours a day are you going to give them for 25 years? A. Not over one hour each day.

Q. You do not charge them anything for that? A. They rent space in our building, 6312 Broadway, about 50 by 50 feet in the back of our building.

Q. What rent do you get from them? A. $262 monthly.

Q. How much do you charge an hour for time on your station? A. $300. A special Evening American rate of $250 per hour.

Q. Then an hour a day would be seven times $250 at your minimum rate, and you get nothing in return for that except the rise in value of your personally owned stock? A. It may do that. That was not the thought, however, in mind. We have worked on this television since July, 1928, possibly.

Q. The television stock is in the market for sale, you say, selling for $12 a share? A. It is either $12.50 or $15 a share.

816 Q. Does the Nelson Brothers Bond and Mortgage Company have anything to do with its sale? A. No, ma'am.

Q. Do you mention the stock over the radio? A. No, ma'am, never.

Q. You mention the television company. A. We mention that the program is being broadcast by WIBO at the top of the dial, owned and operated by Nelson Brothers Bond and Mortgage Company affiliated with the Chicago Evening American, and W9XAO, Western Television Corporation.

Q. What did you get the television stock in exchange for? A. For the transmitter and the television plant.

Q. How much were the transmitter and television plant worth? A. I considered them worth 5,000 shares of this stock.

Q. In dollars and cents how much do you figure that would be? A. I don't know.

Q. How did you arrive at the price you put in, then, on your balance sheets? A. That was a matter of negotiation with Mr. Wade.

Q. Who is he? A. The president of the Western Television Company.

Q. Was it a matter of negotiation with him as to the amount that you put in in order to get your rating in
817 Bradstreet? A. We have had a rating for years.

Mr. Cook: I object to that form of question, Mr. Examiner, because you cannot make Bradstreet take your appraisals and estimates. They do that themselves.

The Witness: We go back here several years, 1929, 1930, 1931—possibly go back into 1928, and you will find our rating in Bradstreet. We have been in Chicago for over 20 years.

By Mrs. Willebrandt:

Q. Before you had any television stock? A. Yes; before we had television or before we had radio.

Q. When did you get this radio station? A. The first license was early in 1925. We started working in the construction of WIBO in the fall of 1924.

Q. What was the reference to the organization of the Nelson Brothers Bond and Mortgage Company? What reference has that in time? A. Nelson Brothers Bond and Mortgage Company was organized in July, 1925.

The Witness: Successor to Nelson Brothers who had been in business since 1911.

By Mrs. Willebrandt:

Q. You have run the radio station by the Bond and Mortgage Company, then, during the existence of the Bond and

Mortgage Company, practically? A. No; it was owned first by my brother, E. S. Nelson, Dan Russo, Ted Ferrido and myself. There was a one quarter interest each.
818 Later we bought the interest of Dan Russo and Ted Ferrido.

Q. You are the president of both WIBO and Nelson Brothers Bond and Mortgage Company? A. Yes, ma'am, but since October of 1929 I have put in full time in the operation of radio station WIBO. My office is on the north side and our downtown office is on LaSalle Street.

Q. With reference to your total business do you find the profits of WIBO more or less profitable than the other branches of the business? A. There was a time when of course Nelson Brothers Bond and Mortgage Company, or Nelson Brothers, made a very large profit. During the past two years the real estate market yield has been hit very hard in Chicago. There have been something like 42 failures in the bond and mortgage business and some thirty odd banks, due to the real estate depression. Nelson Brothers Bond and Mortgage Company is one of the few companies that have survived this depression, and at this present time we are coming on the upgrade as far as profits are concerned. We have 3 hundred and ninety some odd apartments and nine vacancies. That is something that was unheard of a few months back.

Mr. Cook: You mean nine individual apartment vacancies?

The Witness: Yes, out of 399.

Mr. Cook: Three hundred and ninety-nine apartments or buildings?

The Witness: Apartments.

By Mrs. Willebrandt:

Q. How many shares of television stock are there
819 out? A. I have no idea; I couldn't tell you. I have not seen a statement of Western Television.

Q. Then you have no idea how you got this valuation of $62,500? A. Simply 5,000 shares of stock for our broadcasting station W9XAO.

Q. Who told you it was worth $62,500? A. I think it is worth $62,500.

Q. You just guess that? A. No; there was a certain value there. It was our old transmitter we had used before

that, moved out into the country. It had the towers on the roof of our building on Broadway. There was quite a good deal of equipment that was sold to the Western Television Corporation. They are still using that transmitter.

Mr. Boyd: Including the license?

The Witness: And including the license. It had cost us some money.

By Mrs. Willebrandt:

Q. In this list of your capital assets you put in the value of your television stock, according to the value of the W9XAO equipment, and with no reference whatsoever to the intrinsic value of the stock? A. The stock is on the market and selling every day, as far as I know, either $12.50 or $15 a share. I am not sure as to that. I have all I can do to take care of WIBO.

Q. You see, you have put in as a capital asset $62,500, and I am trying to get at whether you figured that on the basis of what you gave in exchange for the stock or
820 whether you figured it on the basis of the worth of the stock. A. I couldn't say exactly the figure that is or was charged against W9XAO.

Q. You think that your transmitter and equipment that you transferred in exchange for the stock, however, are worth $62,500? A. Including the cost of license, and so forth, I think it would be worth that amount.

Q. How much do you figure your license to be worth there? A. Possibly the amount of cost of attorneys, and so on, in reference to the license. That is the only charge we make against it.

Q. Then may I ask if you would set up as a capital asset for your company a glass diamond, if you happened to get that in exchange for a piece of property that you had transferred, that was worth $62,500, would you set up the glass diamond as worth $62,500?

Mr. Cook: That is an unfair and improper form of question. This witness has testified that they have 5,000 shares of Western Television Company stock, that it has a market value, and he has given the price of the stock on the market. If the object of the question is to ascertain whether it is an asset in the hands of Nelson Brothers——

Mrs. Willebrandt: I am searching for the worth of this witness' statement with regard to his million dollar corporation.

Chief Examiner Yost: Yes; the witness is perfectly qualified to answer the question, and he may state.

821

Mr. Cook: But the glass diamond illustration is not a fair illustration. I think the question should be reframed.

Mrs. Willebrandt: You can substitute anything you want to. What I am trying to get at is whether you put in your capital assets—if you don't like that word—something that is worthless, of any kind; if you took in a worthless piece of property.

Mr. Boyd: I object to that. We object to the statement that the Western Television stock is worthless. There is no proof to that effect.

Mrs. Willebrandt: I am not saying it is. I am getting at how he sets up his capital assets.

The Witness: If we had made a mistake and taken in trade a glass diamond for a piece of property, we would have to charge it off. If we had made that mistake, we would have to charge that amount off the books.

By Mrs. Willebrandt:

Q. Then how did you arrive at $62,500 when you put it on your books? A. I can't give you the exact figure.

Q. Did somebody tell you to put that down? A. No, ma'am.

Q. Then how did you figure it? A. I don't remember the costs we had charged against W9XAO. Whatever it cost was plus the cost of the license. That is possibly how we arrived——

Q. So you did make it the cost of the thing you traded for it, and not its worth? A. The worth of the stock, you mean, of the Western Television? We had no idea of the exact worth of that stock at that time, any more than we have now.

822

Q. $62,500 is a wholly fictitious figure so far as any knowledge you have in your mind is concerned?

Mr. Cook: I object.

Chief Examiner Yost: He may answer. He is an intelligent witness.

A. It is not a fictitious figure.

By Mrs. Willebrandt:

Q. Then tell me why it is not fictitious, and how you make it $62,500. A. Whatever the figure is was set up in some way by our accountants. I cannot tell you exactly. I think the stock is worth $62,500, personally.

Q. Why do you think so? A. The same thought that I had in radio six years ago, when others thought it was worthless. I think television is coming, and coming fast, and I think that the Western Television Company is farther advanced than any television company in the United States today, as far as the development is concerned. And you cannot buy that stock from me for $100,000 as an offer. That is what I think of it.

By Chief Examiner Yost:

Q. Does the Examiner understand that the Nelson Brothers Bond and Mortgage Company gave property in exchange for this television stock? A. Yes, sir; we did.

Q. No cash whatever passed? A. No cash. It was property that was exchanged, and the television license.

By Mrs. Willebrandt:

Q. And the fact is that you have no basic patents in your television company? A. We have none. The television company must have.

Q. Are you sure they have? A. I have not checked up on that. I think Mr. Boyd would possibly know.

Q. Do you think that the stock is valuable if they have not?

Mr. Boyd: The Western Television Company does own valuable patents issued by the United States Patent Office, I will assert that.

By Mrs. Willebrandt:

Q. That is the best answer you can make as to how you got $62,500 on your books? You do not want to explain that any more? A. In what way? What explanation do you want? We felt we had the value in station W9XAO that was owned by the Nelson Brothers Bond and Mortgage Company and was sold to the Western Television

Company when it was formed by Mr. C. F. Wade, for 5,000 shares of stock. We had pioneered on radio, and I was not concerned about pioneering in the television business; I would rather see somebody else do it. So we simply sold our interest in it for 5,000 shares of stock. That is the transaction.

824 Q. Then how did you get $62,500? A. It was sold in the market at $12.50 a share.

Q. What market? A. In Chicago. It is not listed on the curb; it is sold.

Q. Sold by whom? A. By the Western Television Corporation.

Q. Which has an hour over your station every day? A. That is simply television development. They have their laboratories in our building, the same as W9XAP, I think it is, the Western Television Company, sold a transmitter similar to ours to the Daily News.

Q. What are the assets of this television company. A. I have no idea. I have not seen a statement of the Western Television Company.

Q. What would be the total valuation of the company? A. That is something I could not say.

Q. Have you made any investigation along those lines? A. No, ma'am; I have not.

Q. Mr. Nelson, when did you first increase the capitalization of the Nelson Brothers Bond and Mortgage
825 Company? A. I believe it was two years ago. I am not sure as to the date—July or September 1929, I believe.

Q. Before we go on with that, let me ask you one more question about this Television Company. When you transferred it, did you have any basic patents? A. No, we have none. Mr. Sanabria, the inventer, has them.

Q. You say you increased your capitalization two years ago. A. I believe it was two years ago. I am not sure as to the date.

Q. That was just about the time you transferred the license of WIBO from an independent company to the Nelson Brothers Bond and Mortgage Company, was it not? A. I do not know as to the exact date of that. The records of the Commission will show that.

Q. The records of the Commission do not show the date of your increase in capitalization. You figure it is two

years ago. Can you tell me whether it was about the same time you transferred the license of WIBO into the Nelson Brothers Bond and Mortgage Company? A. I have no idea. I would have to check the date of the increase of the capital as well as the date of WIBO being absorbed by the Nelson Brothers Bond and Mortgage Company.

Q. I will ask you if, when you created this merger of WIBO, which had previously been owned by a separate company, into your Mortgage Company, about two years ago, you set up $97,389 as a franchise or development expense of WIBO, as an asset of your mortgage company. A. I do not know. That is about what the development expense is, I know that.

826

Q. How do you get that? A. A good deal of it has been legal expense in Washington, and some of the losses during the development of radio; and against that we have a reserve for depreciation of $54,627.36.

Q. When you transferred your radio station into your Nelson Brothers Bond and Mortgage Company, it was about the time that bond and mortgage companies were having a hard time, was it not? A. No. We had not started to have a hard time until after that.

Q. They were on the horizon? A. That had nothing to do with it.

Q. Did or did not this transfer of WIBO into the Nelson Brothers Bond and Mortgage Company assist you in the sale of stock and the sale of bonds? A. I think it has. We have always announced that WIBO is owned and operated by the Nelson Brothers Bond and Mortgage Company, and our company is well known through the radio activity. There is no question about that.

Q. When you had the station owned by a separate company you were obliged to show some exchange of values for this advertising, were you not? A. Yes. The station was owned by Nelson Brothers personally, and the Nelson Brothers Bond and Mortgage Company would absorb the loss of WIBO, or a part of the loss of WIBO, as an advertising appropriation, an advertising medium.

827

Q. And the merger of WIBO into the Nelson Brothers Bond and Mortgage Company obviated the necessity of accounting for the time on WIBO for advertising purposes of the Nelson Brothers Bond and Mortgage Company, as

an additional cost carried by the Nelson Brothers Bond and Mortgage Company? A. It was the only medium of advertising that we used, and our directors felt that a charge of $30,000 to $50,000 a year for advertising was perfectly O. K.

Q. What do you carry WIBO at now? A. $357,720.46. That represents the total assets of Radio Station WIBO.

Q. Break that down and tell us where you get that. A. There is cash on hand, as of February 28, 1931, $8,233.42.

Q. But that is cash that the Nelson Brothers Bond and Mortgage Company has the right to? A. No, ma'am.

Q. In other words, Mr. Nelson, you are giving the Examiner a separate picture of WIBO from the Nelson Brothers Bond and Mortgage Company in the figures you are reading now, are you not? A. This is an asset of the Nelson Brothers Bond and Mortgage Company.

Q. Does that asset have the $8,000, or does—— A. It is entirely separate.

Q. (Continuing:) —or does the Nelson Brothers Bond and Mortgage Company have it?

A. This asset has the $8,000. We are not taking
828 any of the cash on hand of assets of the Nelson Brothers Bond and Mortgage Company in this. It is one of the assets of the Nelson Brothers Bond and Mortgage Company, the same as property we own—apartment buildings are the same as this television stock you refer to, or any other assets our company owns. We own a good many buildings, and this is one of the assets.

Q. Suppose the Nelson Brothers Bond and Mortgage Company should fail tomorrow. Do you assert, for the benefit of the Examiner here, that your $8,233 could be saved? A. There is no danger of the Nelson Brothers Bond and Mortgage Company failing.

Q. I am not asserting they will fail, Mr. Nelson.

Chief Examiner Yost: That is a proper question, and should be answered responsively.

A. We would then, of course, sell Radio Station WIBO, and use that to liquidate any of the liabilities of Nelson Brothers Bond and Mortgage Company, although every liability that the Nelson Brothers Bond and Mortgage Company owe is secured better than two for one. We have no loans that are unsecured. We have no open accounts of

any kind. We owe the Central Trust Company of Illinois, for instance, $140,000. They have $300,000 in collateral. So, there is nothing that is open.

Q. What is the nature of that collateral? A. First mortgage bonds.

Q. On what? A. Real estate first mortgages.

829 Q. What are they worth today? A. Our bonds?

Q. The bonds you are talking about—the collateral. A. The Central Trust Company, with one failure after another, called Nelson Brothers in. Earl and I went in before the committee of the Central Trust Company. They said they wanted to get a record of every issue that we had made. We turned it over to the Central Trust Company, whose real estate experts went out and passed on every loan that had been made by Nelson Brothers. They came back and complimented us on the type of security that we had sold. I think the bonds we have are worth, dollar for dollar——

Q. What is the collateral? That was the question. A. First mortgages, and first mortgage real estate bonds.

Q. If all your mortgages and bonds are up as collateral, what do you have to sell? A. We have some mortgages and bonds on hand. If we sell, we pay off the loans at the bank on the bonds that we are selling.

Q. Is it your assertion, Mr. Nelson, that the assets that you have described here as belonging to the radio division of your Nelson Brothers Bond and Mortgage Company have any security as continued assets to safeguard broadcasting, separate from the financial stability and welfare of the Mortgage Company. A. I do not quite under-

830 stand that.

Q. I will put it in another way, if it will make it easier for you. In other words, if the Nelson Brothers Bond and Mortgage Company goes down, will it not drag with it every asset that you have tried to set up as an asset of your radio division of your company? A. I don't believe it can.

Q. How could you prevent it? A. The profits of Radio Station WIBO are running this year, on the basis of the first three months, better than $75,000.

Mr. Cook: That is not the question. Answer her question, which is, in case the Nelson Brothers Bond and Mort-

gage Company should fail, would that involve the radio station's continued operation under your management?

The Witness: It possibly would.

By Chief Examiner Yost:

Q. Wouldn't it, as a fact? As the Examiner sees it, this is one corporation, and, of course, all your assets are subject to the payment of the debts of the corporation. A. I don't believe that it would drag it down, because an asset that is in the condition of WIBO certainly would be allowed to continue.

By Mrs. Willebrandt:

Q. How would it? Would your creditors leave your $8,000 in the WIBO company, if they took your
831 mortgage business over? A. I believe they would, yes.

Q. You have no separate incorporation? A. No.

Q. You have no trust fund pool created for the benefit of WIBO? A. We can do that if it becomes necessary. We will create a trust fund for WIBO. If the Commission thinks it is necessary to do it, we will be glad to do that.

Q. Why did you take WIBO out of a separate corporate existence and pour it into your bond business if it was not for the purpose of helping it to carry your bond business? A. Just to carry them all under one company. Nelson Brothers Bond and Mortgage Company were using WIBO as an advertising medium, and it was owned by Nelson Brothers personally. We felt that it would be a better plan to have it all as one company. At the time we took WIBO over it was losing money. It was not making money.

Q. Is it not true that the income from WIBO is helping to carry your bonding company? A. No. We have not paid over a dollar to the Nelson Brothers Bond and Mortgage Company.

Q. According to your methods of bookkeeping? A. No.

Q. How much did you say your total monthly net
832 income from WIBO was? A. Net? Since last September it has averaged from $1,000 to $11,000 monthly, that is, taking it from September up to date. Some months we have run $11,000; other months $9,000, and so forth.

Q. At what have you valued your land, buildings and equipment? A. Everything is in at cost here except the $97,000. This is the actual cost of Radio Station WIBO.

Q. What have you put in your land, buildings and equipment at? A. At cost.

Q. What are you carrying it on the Nelson Brothers Bond and Mortgage Company books at? A. Total fixed assets of $291,735.63.

Q. Can you give a statement as to how WIBO made $325,954.27, as shown by your balance sheet? A. Yes.

Q. How did you make it? A. How do you mean, "make it"? This is carried at cost. In other words, it has cost, to date, $346,362.99, less the reserve for depreciation of $54,627.36. The total fixed asset in WIBO is $291,735.63. That is the cost. On an earnings basis it is worth between $500,000 and $700,000.

Q. What has that got to do with—— A. Taking a basis of 7 to 1, figuring it on an earnings basis at this time.

Q. What has that got to do with the surplus? A. Not anything.

Q. What do you figure your surplus? What have
833 you put the surplus at, according to your figures? A. $325,954.27.

Q. How do you get that? A. There is cash on hand, February 28, 1931, $8,233.42; notes receivable $809.22; accounts receivable $38,479.18; bonds receivable $280; liquid assets of $47,801.82.

Q. That is liquid assets? A. Yes. That is the total current assets. Other assets, accounts receivable, suspense, $16,642.26.

Q. What is that? A. I don't know exactly what that would be.

Q. Are they your accounts, or accounts from the Nelson Brothers Bond and Mortgage Company? A. These are all accounts of WIBO.

Q. How are you so sure about that, when you do not know what they are? A. I do not know the exact accounts. They may be accounts that are slow in paying, or there may be some other reason for their being charged off. Prepaid insurance, $1,540.75, leaving total other assets of $18,183.01. That would be our assets.

Q. Now, drop back down here and tell me again what your surplus is. A. Net worth—it does not show
834 any surplus—net worth, $325,954.27.

Q. Then, you have your net worth as made up of television stock—— A. Television stock is not in there.

Q. You have your net worth, made up of those buildings and your accounts receivable, and what else? A. In WIBO? The only building is the radio station building, at Desplaines, and 20 acres of ground. That is the only asset in there. We bought 20 acres of ground between Park Ridge and Desplaines, and built a modern transmitting plant. That is the only building that is considered an asset in this statement. All other buildings are owned by Nelson Brothers Bond and Mortgage Company. With respect to the building we are located in, a three-story concrete structure, 6312 Broadway, WIBO pays rent to Nelson Brothers Bond and Mortgage Company for the space in that building. We occupy two floors of that building.

Q. Do you use cost or appraisal values? A. We pay Nelson Brothers $1,000 a month rent.

Q. You pay yourself $1,000 a month rent? A. They are carried entirely separate. We pay Nelson Brothers $1,000 a month rent, for the space in the building.

Q. Do Nelson Brothers pay you for the advertising time on the radio station? A. No. There is no time used for Nelson Brothers Bond and Mortgage Company now, except the call letters.

Q. Can you think of anything else that WIBO pays
835 Nelson Brothers Bond and Mortgage Company for? A. That is all.

Q. A thousand dollars a month rent——

By Chief Examiner Yost:

Q. Do you regard that as a fair price for the rent? A. Oh, yes. The building was appraised, within the last month, at $275,000, and we lease the first floor, which is the most valuable. We consider that worth between $1,000 and $1,200 a month, although it is not leased for that now. We did have it rented at that figure at one time. The second floor we use back to the television space. They pay $262 a month, and then recently we have taken over the entire third floor for our offices and studios, and it is on the basis of $500 a month for each floor.

Q. That is about what you would expect to get for it from some one else outside? A. Yes. During the present depression we possibly could not lease it for that amount.

By Mrs. Willebrandt:

Q. Compared to the rest of Nelson Brothers Bond and Mortgage Company balance sheet, these bookkeeping figures you have given for WIBO bear what relationship, what percentage, or proportion of worth? A. I don't know exactly.

Q. Well, you have down there for the radio station, on that book, a surplus of what, or a net worth of what? A. A net wroth of $325,954.27.

Q. Is that a small item of your Nelson Brothers Bond and Mortgage Company net worth? A. No; I
836 would not say it was a small item.

Q. For your Nelson Brothers Bond and Mortgage Company you have, in accounts receivable January 31, 1931, $2,348.65, have you not? A. I do not know, I have not the statement here.

Q. You have, as your total assets, $273,906.63. A. Our total assets? No. That is impossible.

Q. I do not mean total assets; total current assets. A. That is possible, yes.

Q. And, in other assets, $210,969.98. A. That is possible. That is not included fixed assets, however, is it?

Q. In fixed assets, $654,776.30. Is that right? A. That is possible.

Q. In prepaid expenses and deferred charged, have you set up your franchise and development expense as $205,698.82? A. I don't know the exact figure. $97,000 of that would be in WIBO.

Q. Then, in putting up the franchise and development expense of WIBO you have made very much more wholesome the balance sheet for your total mortgage company, have you not? A. We consider WIBO as a very strong asset of Nelson Brothers Bond and Mortgage Company.

Q. What I was getting at is, what proportion of your total business do you consider that? A. I don't know. If you have a statement there, that probably shows just what it is.

Q. Going into the liabilities of Nelson Brothers Bond and Mortgage Company, you have $556,414.56, is that
837 about right? A. I don't know. What are the items? There are some figures we owe the banks. We owe the Central Trust Company of Illinois $140,000 now. At that time it was greater. We have paid off possibly $50,000 since the first of the year. We owe the Sheridan Trust and Savings Bank $44,000. At this time we owe accounts payable of $7,000, and I do not know what the other items would be. I am not directly in touch with Nelson Brothers Bond and Mortgage Company every day. I have not been there since November 1929. My job was to make this thing pay, to take it from red figures and bring it into black, and I have accomplished that.

Q. Has WIBO earned $325,954.27 profit since Nelson Brothers Bond and Mortgage Company took it over? A. No.

Q. If not, what makes up the difference between earned profits and net worth, as you have shown? A. As I explained before, it is a matter of cost. WIBO is carried on the books of Nelson Brothers Bond and Mortgage Company at the cost of WIBO.

Q. Then, would you say that it is not an inflated appraisal figure? A. I have rejected an offer that would more than cover that figure.

Mr. Cook: That is, an offer to purchase?

The Witness: An offer of purchase of WIBO. I think there are men in this room that would possibly pay
838 that amount for it.

By Mrs. Willebrandt:

Q. The Chicago Evening American? A. No; the Chicago Evening American have made no offer to purchase WIBO.

Q. Anybody for them? A. No.

Q. Are you here as the representative of anybody else? A. Just to protect the interests of WIBO, that is all. I am very much interested in that.

Q. So that you can maintain in your company these appraisal figures on your balance sheet? A. Maintain what?

Q. These appraisal figures on your balance sheet. You say you did not earn that net worth. Then, it is appraised net worth? A. Appraised net worth.

Q. You maintain those appraisal figures on your net worth balance sheet, do you not? A. Yes.

Q. Are you familiar with the cost of a new 1000-watt RCA or Western Electric transmitter? A. No, I am not. Of course, our transmitter was built for 7500 watts, and our power was cut down in the reallocation of stations to 1500 watts daytime and 1000 watts night.

Q. You are aware that the cost of installation is somewhere around $40,000? A. I have no idea of the value of a 1000-watt transmitter.

839 Q. Even if an additional $60,000 were allowed for further equipment, how do you figure your investment to be more than $100,000? A. I am figuring what it cost. That is the cost of WIBO to date.

Q. That is the way you get this appraisal figure? A. If it is an appraisal figure. It is the amount of money that we have invested in Radio Station WIBO. We may have spent more money than we should for land. We bought 20 acres, in place of buying one or two. We think that is of value out there. We built a very fine building. We may have been foolish in spending more money than we should in building this beautiful brick structure, with rooms for our engineers, and so forth. That might have been a foolish move on our part, but I don't believe so. I think it is money well spent.

Q. I am getting at your cost. A. This is the cost.

Q. You say you do not know how much a transmitter costs? A. I know what ours costs. This is what ours cost, what WIBO cost. I don't know anything about the cost of an RCA, Western Electric, or any other. This is exactly what we have paid for our equipment.

840 By Mrs. Willebrandt:

Q. You built this transmitter when? A. We started building in 1924.

Q. You say that it cost you what? What was your total figure? A. The total cost of land, buildings and equipment was $346,362.99. We have set up a reserve of——

Q. That is not in the picture at the present moment. Keep to the $346,000 you have put in. That is your

841 total cost in 1924 and 1925? A. That includes our acreage, buildings, ground, studios, offices, furniture, and everything.

Q. How much depreciation is there on that? A. That includes also our equipment at Broadway, and down at the Hearst Building; also over at the Chicago Theatre, and all our amplifying equipment, and all that sort of thing. We have as many as 15 outside amplifiers.

Q. Now, you have your land and equipment in there at $195,116.89, is that right? A. On this statement here, land, buildings and equipment are $346,362.99.

Q. Let us break those down. Land and equipment, $195,-116.89—— A. That is not shown in my figures here.

Q. I am trying to get at how you got your figures. A. I could not tell you. I am willing to send a statement down to the Commission, a certified public accountant's statement, as to exactly how this is arrived at. I cannot tell you. I did not personally make this statement here, this balance sheet. It is all included—land, buildings and equipment, $346,362.99.

Q. Is that about the statement that you gave to the National Service and Appraisal Company, or Hills Reports, Incorporated? A. I have no idea. I did not give any report to them.

Q. This report, if you did give it, only has the advantage of the totals that you are giving. I was interested in having them broken down. I am trying to get at—— A.
842 I could not break them down intelligibly from this sheet.

Q. You have no idea how any of those figures you have been testifying about have been arrived at?

Mr. Cook: That is not a fair question. He brings in a statement from a certified public accountant, and he shows it. If counsel for the applicant has other and better information, in the sense that it is in more detail, let its source and origin be stated, and then questions asked regarding that. It does not do to charge the witness with ignorance because he has not detailed figures before him.

Chief Examiner Yost: The witness has stated that he has no personal knowledge of just how the total figures are arrived at, but the Examiner understands he states that in his opinion the total values arrived at and the total worth of the station, as they are set forth, in his opinion are correct.

A. Absolutely correct.

By Mrs. Willebrandt:

Q. How do you know they are correct? A. Mr. Johnson, of Thulin and Company, was instructed by E. S. Nelson to take the figures from the books of WIBO and prepare this statement so that I could take it with me to Washington.

Q. Did you give him any instructions as president of the Nelson Brothers Bond and Mortgage Company? A. I gave him no instructions. I simply said what I wanted; and also there was a judgment search, because there
843-847 was a question raised down here at the last hearing. A judgment search of Nelson Brothers Bond and Mortgage Company was made, and the statement of WIBO——

Q. How much of that figure would you judge, as the president of Nelson Brothers Bond and Mortgage Company, you have counted in for franchise and development? A. $97,000 is about the figure that is included in there for franchise.

Q. How much for land and equipment? A. That would be the balance.

Q. You say Television and Radio stock are not in that figure? A. Not in that, no.

Q. Have you the financial statement of the Nelson Brothers Bond and Mortgage Company as of January 1, 1931? A. I have not.

Q. Have you looked at one lately? A. No, I have not.

Q. Do you know whether this account shows bank accounts overdrawn? A. I don't know.

Q. Do you know whether it shows that accrued interest is due and payable? A. No, ma'am.

848 By Mrs. Willebrandt:

Q. Now, Mr. Nelson, I will ask you if you are the president of Nelson Brothers Bond and Mortgage Company. A. Yes.

849 Q. As such, do you have charge of the employes of the company? A. Of the Nelson Brothers Bond and Mortgage Company?

Q. Yes. A. No, ma'am.

Q. What are your duties with respect to the presidency of that company? A. Since 1929 I have devoted all my attention directly to Radio Station WIBO. My office is lo-

cated at 6312 Broadway. Earl S. Nelson handles all the matters pertaining to the Nelson Brothers Bond and Mortgage Company. I simply attend directors' meetings, and so forth.

Q. What is his relationship to the company? A. He is vice president and treasurer.

Q. I will ask you to state the total assets you had in the bank from the Nelson Brothers Bond and Mortgage Company, as of January 31, 1931, when you have put in evidence the rating by Bradstreet. A. The total assets we had in the bank?

Q. Yes. A. I don't know the total.

Q. Have you brought any figures from which you can refresh your recollection? A. No, ma'am.

850 Q. I will ask you whether you know the assets, the total assets in accounts receivable, other than current assets, of the Nelson Brothers Bond and Mortgage Company as of the same date. A. I could not tell.

Q. Have you any documents or papers from which you can refresh your recollection and state that fact? A. I have not.

851 By Mrs. Willebrandt:

Q. I will ask you if you can state what the figure was of principal and interest paid by the Nelson Brothers
852 Bond and Mortgage Company as of the date of January 31, 1931. A. The interest that we paid on the mortgages that we had sold?

Q. Yes; what your books would show with respect to that figure. A. I think that figure showed, towards the last of the year, somewhere in the neighborhood of $90,000. That would include interest that we had paid, and prepayments on mortgages that had come due, on buildings that we later took over, and, of course, that absorbs that in the building value, you see. We are not legally responsible or legally liable to pay any interest, or principal amount, to any mortgage buyer. That is not a liability of Nelson Brothers Bond and Mortgage Company.

Q. I mean interest paid to you. A. Interest paid to us is directly paid on the coupons, on the first mortgage interest notes presented for payment.

Q. How much would that figure show? A. That shows a good many thousand dollars a month paid out. I have no way of determining that.

Q. You have income from interest, have you not? A. I suppose there is some, before it is paid out again.

Q. Do you know what that figure would be? A.
853 That would be very small, because the interest coupons, as they become due, are immediately paid, and during the past two years the owners of buildings are not paying their interest before the due date.

Q. Can you give the amount of land, buildings and equipment, the total for the Nelson Brothers Bond and Mortgage Company, as of that date? A. Somewhere in the neighborhood of $500,000 to $600,000.

Q. I will ask you whether you know what the books of the Nelson Brothers Bond and Mortgage Company will show for franchise and development expense as of the date in question. A. I think we covered that. It was $97,000 for WIBO, and $100,000 for Nelson Brothers Bond and Mortgage Company, or such a figure. You have the figure on that.

854 Q. I will ask you what the amount of the total assets of the Nelson Brothers Bond and Mortgage Company was as of the date in question, if you recall that figure. A. I do not.

Q. Now then, in total current liabilities of the Nelson Brothers Bond and Mortgage Company as of the date in question, can you give me the figure for that? A. No, I can not.

855 Q. I will ask you whether you have here with you any facts or figures, or a present recollection as to the total liabilities of the Nelson Brothers Bond and Mortgage Company as of the date in question. A. I have not. I have not the figure here.

Q. Do you have any present recollection whether your total liabilities are $1,347,352.17? A. I don't know what the figure is, Mrs. Willebrandt.

Q. I will ask you whether, as of September 18, 1930, you recall what the total assets of the Nelson Brothers Bond and Mortgage Company were. A. No, ma'am, I do not.

856 Q. I will ask you whether you recall, whether you know, or whether you have with you any document

that can show what the total liabilities of the Nelson Brothers Bond and Mortgage Company were as of September 18, 1930. A. No, I have not. I have not any of the figures of Nelson Brothers Bond and Mortgage Company with me.

Q. I will ask you whether the figure of $1,546,180.31 is correct. A. I could not state whether it is or not.

By Chief Examiner Yost:

Q. Are you prepared to show what the approximate net worth of Nelson Brothers Bond and Mortgage Company is at this time? A. I believe between $750,000 and $800,000.

Q. Are you prepared to say what the approximate indebtedness of Nelson Brothers Bond and Mortgage Company is at this time? A. I can give you the figures on what Nelson Brothers Bond and Mortgage Company owe. It owes to the Central Trust Company of Illinois $140,-
857 000. We owe to the Sheridan Trust Company at this time $40,000. We owe somewhere in the neighborhood of $7,000 on accounts payable, and I believe that with respect to building contractors, and so forth, we have completed every building, so far as I know. So far as I know, that is all paid now. There is no liability to contractors. That is the total amount we owe to the banks, and accounts payable, as of a later date. Then, during the past two years, there was the time that our directors advanced possibly $30,000 for security. That is possibly still in, but is being paid. Of course, the bank loans are secured by first mortgages, at least two to one. On the amount we owe, there is double the amount up as security. The Central Trust Company and the Sheridan Trust Company are perfectly willing to loan us more money if we need it.

Q. On the same collateral? A. On the same collateral. We have paid off, and left some of the collateral in the bank. Mr. Boyd happened to go with me to the Central Trust Company, as this question was raised here by judgments, as to the stability of Nelson Brothers Bond and Mortgage Company, at the last hearing, by Mr. Smith. We thought it would be a good idea to check up a little. Mr. Boyd was with me at the Central. I asked them to prepare a letter for me and address it to the Federal Radio Commission, which they did, and in Mr. Boyd's presence they said that we could borrow—if we needed any money—$50,000 or more. That is true of the Sheridan Trust. So,

so far as operating WIBO is concerned, we are willing, if it becomes necessary, to establish a trust fund of
858 $100,000 for the protection of continuing the service to the public of our station. We can do that.

By Mrs. Willebrandt:

Q. You stated that WIBO, prior to transfer to the Nelson Brothers Bond and Mortgage Company, was owned by you and your brother personally, did you not? A. Yes.

Q. The license was in the name of WIBO, Incorporated? A. It was WIBO Broadcasters, Incorporated, but we had all the stock of WIBO Broadcasters, Incorporated. We had purchased the stock.

Q. What price did you pay for that stock? A. We paid the amount of money that they had invested. They could not carry the load, and we kept advancing more and more money to WIBO.

Q. How much was that? A. I don't remember the figure. That is several years ago.

Q. How is it that you can remember so accurately the figure—— A. The two figures are possibly $22,000 or $23,000, to both Dan and Ted.

Q. How is it that it was only two figures of $22,000, when now you have it in your accounts at $346,000? A. That was when we had a 500-watt transmitter, and after that time we built up to a 7500-watt transmitter, and then, when the reallocation of stations took place, we moved out to Desplaines, Illinois, and bought ten acres of ground, and built this new building. We have been down to Washing-
859 ton at least four times a year, and we are down here now, and this is also costing money. So, it has cost us a great deal of money since that time.

Q. This present cost is in the $346,000? A. Oh, no. That will be taken out of profits this time. Thank the Lord for that.

Q. I believe you testified in the former hearing that all judgments had been satisfied. A. Except one I did not know about.

Q. What is that one? A. There was a judgment entered against Nelson Brothers Bond and Mortgage Company October 30, 1928. There had been an accident in our building, 6312 Broadway. A youngster slid out on the elevator and

fell down the elevator shaft. It was absolutely no fault of the building, and he was a trespasser there, and slid out on the elevator, and was laid up for a good many weeks, and lost part of his right hand. We were sued. The Nelson Brothers Bond and Mortgage Company, who own the building, were sued for something like $100,000, and we decided we would rather settle, and we settled the amount for $15,000, $10,000 cash, and the balance in trust with the Foreman State Trust and Savings Bank, payable $100 each month. That shows a balance at this time, under date of April 14—I will read the letter, addressed to Nelson Brothers Bond and Mortgage Company, 134 North La Salle Street, Chicago. (Reading:)

860 "In re Estate of Jerome Harvey Simons, "Guardian, 3868.

"GENTLEMEN:

"Regarding judgment in favor of the above for $15,000, at the present time our records show that $13,300 has been paid. Monthly payments of $100 per month are up to date, and the balance due us from you is $1,700. We would appreciate knowing whether your figures correspond with ours.

"Very truly yours,

"PAUL WEINER,
"Trust Department."

I had a judgment search made as of April 6, 1931, and it shows that that is the only judgment against Nelson Brothers Bond and Mortgage Company.

Q. How about the Chicago Federation of Musicians? How much are you paying them a month? A. That is radio, again. Which is that?

Q. The Chicago Federation of Musicians. A. We were paying the musicians? We pay $1108 a week to our orchestra.

Q. How much of that are you repaying to the Chicago Federation of Musicians? A. Not any.

Q. Because of alleged repayments by the musicians back to your station. A. That dates back some time. In Chicago——

Q. Just the present conditions. That is all I am
861 inquiring about, and all I have any right to inquire about. A. Not any.

Q. You have it all paid up? A. Absolutely.

Q. How much did you pay? A. We paid a $3700 fine to the Musicians' Union.

Q. That was for putting on your books the Musicians at a certain amount, and then having them pay back to the station—— A. Not putting it on our books. In Chicago the requirements are very strict. That is, their fees are high, and up to a year and a half ago, or a year and probably two or three months, we were required by the Union to employ five musicians—this was in 1929—at $90 a week each. When WIOB became better known in Chicago as one of the outstanding stations, they reclassified WIBO into Class A. They have a classification, A, B and C. One station is required to have ten musicians, and another five, and another three. We were reclassified, and ordered to add five musicians. This was in 1929, and it was then showing a loss. So, instead of paying $90 to the musicians —they all swarmed in there; there are 7000 out of work in Chicago—we paid $70. We are not under contract with the Union. We just made a deal with the musicians and paid $70 a week, and more to the leader—possibly $800 a week to the ten. Some one reported to the Union—and we are not the only station; many of them in Chicago have had the same experience—that we were underpaying the musicians the difference between $70 and $90, although on our books it shows $70. The Union called the men down
862 and put in their own orchestra and fined WIBO $3700. Since that time, which is over a year now, or close to a year, we have paid ten musicians $1108 each week. We made an arrangement with the Union so that we would not take $3700 at one time, to pay $150, or something of that sort, a week, and that has been long since paid off. There is absolutely nothing due.

Q. There is nothing outstanding on that now? A. No. I think since we have been down in Washington that rate has been increased to $125 a week by the Union. With network programs, and Chicago Evening American programs, there have been weeks when we have had possibly seven or eight hours work, but we must pay that figure. I believe Chicago is the only place where we have that situa-

tion. That is a load to carry, and it was at that time. I am not complaining about it. As long as we can make the profit that we are, we are willing to pay. In fact, we have added musicians.

Q. You have nothing here that will show the financial condition of the Nelson Brothers Bond and Mortgage Company as such? A. I have not, no ma'am.

Q. You brought no books of account with you? A. No ma'am.

863-870 Q. You would be willing to furnish, for the purposes of this record, a certified public accountant transcript of the financial condition of the Nelson Brothers Bond and Mortgage Company? A. Yes.

871 **Alvin E. Nelson**, the witness under examination at the taking of recess, resumed the stand and testified further as follows:

Mrs. Willebrandt: We are through with the witness.

Redirect examination on behalf of respondent WIBO.

By Mr. Boyd:

Q. You indicated, Mr. Nelson, that you had certain documents from the Foreman Trust Company and the Sheridan Bank, and referred to them. A. The Foreman-State Trust & Savings Bank matter was with reference to the judgment that was against Nelson Brothers Bond & Mortgage Company. I just have one copy of it, which is a photostatic copy.

Chief Examiner Yost: Letters are not admissible, under the rules.

The Witness: This is a trust company judgment search.

By Mr. Boyd:

Q. You indicated on cross examination that you had offers to dispose of these facilities? A. We have had several.

Q. I will ask you if you had any offers to purchase or lease or use these facilities from Mr. Ralph Atlass,

872 one of the owners of the stock of radio station WJKS. A. We have.

Mrs. Willebrandt: I object to that. It is not within the issues in this case. The only thing that is proper in redirect examination is on matters that have been gone into in cross examination, all of which went to the way in which he set up the assets of the Nelson Bond and Mortgage Company. What was offered for property is not evidence to support figures that he testified to as to the capital assets.

The Witness: It has something to do——

Mr. Boyd: Just a minute.

The Witness: Pardon me.

Mr. Boyd: What I want to prove by this witness, in asking that question, is this, and I now offer to prove by the witness that Mr. Ralph Atlass, the owner of a half interest in station WJKS, did offer to take over the facilities of WIBO and operate it on a certain basis which I want the witness to state.

Mrs. Willebrandt: Are we trying Mr. Atlass here for some apparent feeling that this witness has against him? That is not an issue in the case. An appraisal of the property would be material if properly authenticated. These constant insinuations relative to Mr. Atlass I maintain are improper and should not be injected into the record; and I suggest that counsel's proffer of evidence shows that it is improper evidence that he offers, and I move that the remarks be stricken from the record.

873 Mr. Cook: May the witness answer the question whether offers were made to him for the station?

Chief Examiner Yost: He may answer that.

The Witness: In the summer of ——

By Mr. Boyd:

Q. Answer it directly. A. They were.

Q. What were those offers? A. In the summer of 1929 a former employee of WIBO, Walter Preston, by name, now program director of WBBM, and has been since February, 1929, called at the office, our down town office, and made an appointment for himself and Les. Atlass, brother of Ralph Atlass, and endeavored to negotiate——

Mrs. Willebrandt: May I interrupt the witness to ask that the Examiner limit the witness in his reply to just what the offers were.

Chief Examiner Yost: By Ralph Atlass.

The Witness: Ralph Atlass, some time in the summer of 1930, called me on the 'phone at the uptown office and wanted to negotiate a deal whereby he would take over the complete management of WIBO, pay all the bills, all of the cost of operation, and make an arrangement to split, that is, to allow our company one third of the net profits of WIBO. That was in the summer of 1930. I do not know whether I answered him or not. If I did, it was that I was not interested in it.

Mrs. Willebrandt: I move that that answer be stricken from the record. There is no proper foundation laid for a conversation, telephone conversations or personal
874 conversations.

Chief Examiner Yost: Did he come to see you?

The Witness: He came to see me; yes, sir.

Chief Examiner Yost: Motion overruled. It may stand for what it is worth.

By Mr. Boyd:

Q. With reference to the Swedish program and your father's connection with it: is your father a minister of the gospel? A. No, sir.

Q. Has he ever been a minister of the gospel? A. No.

Recross-examination on behalf of applicant WJKS.

By Mrs. Willebrandt:

Q. In your set-up of capital for the radio station, which I believe you testified was, in round figures, $346,000, you said, I believe, that you could not break those figures down so as to give in detail the items from which the total
875 comes? A. I said we would be willing to have our auditing firm break the figures down as of February 28 and send them to the Examiner.

Q. Would you be willing, in addition to this certified accountant's statement of the financial condition of the licensee, Nelson Brothers Bond and Mortgage Company, also have this figure of $346,000 which you carry as the value of the station, broken down so as to show under certification of an accountant the exact cost figures from which you get that amount? A. Yes, ma'am.

Chief Examiner Yost: That may be done.

Do you issue or publish a regular quarterly statement of the financial standing of your corporation?

The Witness: There is a statement that goes to Springfield every six months. That is the only statement we furnish. But during the depression the Central Trust Company wanted to check up on our standing and they sent men over and were perfectly satisfied we were in sound condition.

Mr. Cook: By the statement that goes to Springfield, you mean to the Secretary of State?

The Witness: Yes. I can get a letter from the Secretary of State and also send that down here, that Nelson Brothers Bond and Mortgage Company are absolutely sound.

Chief Examiner Yost: When was the last statement furnished to the Secretary of State?

The Witness: I do not know. That is handled by the downtown office. I am just working head over heels in radio. That is all I have done for the last two years.

876 By Mr. Cook:

Q. Has Nelson Brothers Bond and Mortgage Company had any issue of bonds or mortgages sold by them on which there has been a default of interest? A. I don't believe so. In the first place, Nelson Brothers Bond and Mortgage Company are very conservative in the type of loan which they handle. It is the smaller buildings, not hotels or big properties. The biggest loan that was made by our firm was a hundred and sixty-some odd thousand dollars, after E. S. Nelson, who was very familiar with values in Chicago, and our directors passed on the loan which was checked on by Mr. Orlando van Gunton, a very conservative German architect in Chicago, and he would cut down the figure to an amount that he deemed to be a conservative first mortgage. So that we have very few loans that have not made the grade, even through the depression we have had. That is the reason we have been able to stay in business, as the Central Trust Company, in their letter to the Federal Radio Commission, say; also the Sheridan Trust Bank. They examined every loan that was made, and the Central Trust Company complimented us on our loans. You can get verification of that from the Central Trust Company of Illinois, because they called most of the bond companies. Our loans

have not been called. They are still willing to loan us additional capital if we need it; and that is through the toughest two years, I guess, that the country has even seen.

877 **Thomas J. Johnson**, a witness previously called and sworn, was recalled on behalf of respondent WIBO and testified further as follows:

Direct examination.

By Mr. Cook:

Q. Are these three photographs different views of the WJKS station in Gary? A. This (indicating) is a picture of the building in the rear of the building, but on this picture it doesn't show any antenna; it doesn't show the counterpoise. It starts to show the wire running up in here (indicating).

Q. You mean, they do not appear in the photograph? A. I mean, they have been taken off. Here (indicating) is a wire that started to show, right there. Here is part of it in here (indicating).

Chief Examiner Yost: It seems to you that the photographer has removed those?

The Witness: It is very evident.

By Mr. Cook:

Q. Or could it be that it simply did not take in the negative? A. That couldn't be.

Q. And with that comment you identify that as a picture of your radio station? A. This in here (indicating) is the generating room.

Q. At the extreme end of the building? A. Yes.

878 Q. Nearest the left hand antenna tower? A. Yes. In here (indicating) is where the motors are; and in here (indicating) is the studio. This (indicating) is the station building itself.

Mr. Cook: Let that be marked, please.

(Two copies of photograph of radio station WJKS were thereupon marked "Docket 1156, Respondent WIBO Exhibit No. 18-A.")

By Mr. Cook:

Q. This is a photograph of what (handing another photograph to the witness)? A. That is another view of one of the towers.

Q. What buildings are immediately back of that tower? A. This is the room where the motors are (indicating).

Q. The room nearest the antenna tower? A. Yes.

Q. And the building which it shows is what? A. This is the engine room and the studio back in here (indicating).

Q. So that the small building nearest the antenna tower is the generator room? A. Yes.

Q. And the building back of it to which it is attached is the studio and power plant? A. Here is the power plant (indicating). This wire here (indicating) would indicate that it was cable. That is only ordinary wire. It does not run in there (indicating).

Q. Is there a counterpoise supposed to be attached that does not appear? A. Yes.

879-883 Q. To the projection to the left of the antenna tower? A. Yes.

Mr. Cook: Mark that photograph, please.

(Two copies of a photograph showing antenna tower and part of transmitter buildings were thereupon marked "Docket 1156, Respondent WIBO Exhibit No. 19-A.")

The Witness: That wire is a great deal heavier wire. It must have been traced over.

By Mr. Cook:

Q. Is this (exhibiting) a general photographic view of the premises known as Gay Mill Gardens? A. Yes, sir.

Mr. Cook: Mark that photograph, please.

(Two copies of a photograph of Gay Mill Gardens were thereupon marked "Docket 1156, Respondent WIBO Exhibit No. 20.")

884 Chief Examiner Yost: The Examiner is of the opinion that the statement of the certified public accountant should be furnished the Examiner as a part of the files of this case, and requests the attorneys or
885 the president of Nelson Brothers Bond and Mortgage Company to furnish such a statement.

Mr. Cook: Nelson Brothers Bond and Mortgage Company will furnish a certified public accountant's statement of the position of the company as of April 30, this day, which will bring it down absolutely to the submission of the case.

886-890 Chief Examiner Yost: The Examiner understands that similar statements will be furnished by both the respondent and the applicant showing the financial condition as of this date.

891 Mrs. Willebrandt: There is one thing left outstanding in connection with the record—nothing further in the way of testimony—and that is the ruling on the depositions. In that respect, when the depositions were offered I believe there was no ruling as to whether they would be admitted.

892 Chief Examiner Yost: That is correct. Has any action been taken jointly by counsel with reference to taking depositions?

Mrs. Willebrandt: The offer was made as to a time and place, during this hearing, or at any other time, but no reply has been received.

Mr. Newman: Do counsel present agree that in the usual course of the United States mails the letter containing this notice should and would have been received normally on Monday morning in Chicago? Was that agreed by the parties present or not? Because if that was agreed, it then becomes only a matter for the Examiner to decide whether or not the receipt of that particular document on Monday morning at 9 o'clock was sufficient time. Certainly if that was not sufficient time, it would not be sufficient time if it had been delayed until 2:30.

Chief Examiner Yost: If it is agreed that the letter was received at the office Monday morning, of course there is no difficulty presented to the Examiner. But he does not understand that there is any such agreement.

Mr. Newman: Do you mean to indicate that you would consider Monday morning sufficient time?

Chief Examiner Yost: Yes.

Mr. Cook: The fact testified to was that this came to the attention of Mr. Nelson at 2:30 in the afternoon. At that time he received his first knowledge that the notice was out.

Mrs. Willebrandt: His own office stamp shows at
893 9 o'clock in the morning.

Mr. Boyd: I have explained that the time arrangement on that stamp is not working and has not been working for some time. The 2:30 time was put on by their boy.

Mr. Nelson: The boy in the office that receives the mail. We can get a statement from him. Furthermore, it shows 7 o'clock. I don't know whether p. m. or a. m. I can get a sworn statement from our mail clerk showing just exactly the time, because he brought that right into the office.

Mrs. Willebrandt: He is not here?

Mr. Nelson: No, ma'am.

Mr. Cook: Laying aside the matter of time of receipt of the notice and the other elements that go with it, the distance from the point of deposition-taking, does the Examiner keep in mind that the depositions show no signature of any witness thereto?

Mrs. Willebrandt: It shows the certification of the notary that each witness was sworn.

Mr. Boyd: Or does it show that the witness has read it after it was transcribed, after it was reduced to typewriting, and that he then signed it?

Mr. Cook: In the presence of the notary?

Mrs. Willebrandt: That is a requirement in some states, but not in Federal courts. It is optional in a court of equity. The rule is that in the absence of a charge of fraud a certification of the notary named in the commission of the court that the witnesses appeared, were sworn and thereupon answered as follows, is receivable. The only time it is not is when there is a charge of fraud.

Mr. Clifford: Is the Examiner of the opinion that
894 in serving a notice upon a respondent or upon an applicant on behalf of a respondent, that if the notice is received in the morning and the depositions are to be taken at a place 40 miles away, beginning at 1 o'clock that day, that would be sufficient time? We are making precedents, and I am practicing before the Radio Commission, and I would like to know about that. It seems to me that would be entirely adequate, because I notice in the rules of practice there is no time requirement as to how much notice in advance is necessary. But I can hardly believe that the Commission, when it adopted these rules of practice, would say that a notice given in the morning

to a person that depositions were to be taken 40 miles away at 1 o'clock would be sufficient notice.

Chief Examiner Yost: The Examiner would feel bound in a sense by the action of the Commission. The Commission granted the request and authority to take the depositions with a full knowledge of the time and of the place where they were to be taken, and the distance from Washington. If the Examiner is satisfied that the notice was delivered to the office of Nelson Brothers Bond and Mortgage Company he will admit the depositions and give them such consideration as he feels they are entitled to.

Mr. Cook: The answer to that, Mr. Examiner, is that the time is admittedly short, whatever might be——

Chief Examiner Yost: That is undoubtedly true.

Mr. Cook: I think the Examiner should keep in mind that in all trials the fairness of each side to the other is essential.

895 Chief Examiner Yost: That is why the Examiner suggests that the uncertainty be removed by taking the depositions again.

Mr. Cook: I think they are utterly improper here. We were furnished a copy of the depositions after they were first offered. I have examined them. There is material there which appears unobjected to on the transcript of the deposition. It would require a good deal of attention to those depositions in discussion before your Honor to weed out what is improper as a matter of evidence under the very rulings you have employed in the course of this hearing of witnesses in open court. I think that the admission of these depositions at the present time would establish a dangerous precedent. The Commission may consider the time adequate, but it does not add to the speed of the leg.

Mr. Clifford: I think you have made a ruling which I believe was predicated on the fact that the Commission ordered the depositions to be taken on the 17th?

Mrs. Willebrandt: They made the order on the 17th.

896 Mr. Cook: Consider this aspect, Mr. Examiner. Mr. Nelson is not an attorney. He received a notice addressed to his company advising him that depositions were to be taken. He had to secure the attendance of his counsel. Counsel cannot stand beside their client at all times. It happened in this case that Mr. Boyd, counsel of

record for the respondent, was in Washington. He was immediately communicated with, and as I recall it, it was then 3 o'clock in the afternoon, and the deposition was already on.

Chief Examiner Yost: The Examiner desires to make it clear that in his statements heretofore in this connection he would hold the notice sufficient if it were proved that it was delivered in the first mail on Monday morning, because that would be the first mail on which it could be delivered.

Mr. Clifford: I beg your pardon, but the order was granted on the 17th. Any special delivery or air mail letter sent from here on the 17th should have been received in Chicago on the 18th.

Mrs. Willebrandt: It was late in the afternoon.

Chief Examiner Yost: Of the 18th?

Mrs. Willebrandt: Late in the afternoon of the 17th and too late to get it out. They were mailed on the morning of the 18th.

Mr. Clifford: But it was not too late for air mail that night.

Mrs. Willebrandt: The Commission issued its order after 3 o'clock.

Chief Examiner Yost: The Examiner saw the 987 stamp. It was the 18th.

Mr. Clifford: Yes, mailed by the attorney, not by the Commission. The Commission gave no notice in this case whatever. Am I right in that?

Chief Examiner Yost: It was mailed Saturday, the 18th. The Examiner is discussing the fact that it was not mailed until Saturday. They were mailed the next day, and the first business day thereafter would be Monday morning. The first mail would be the first that could be delivered to the respondent. It is apparent to all that the time was really too short. More time should have been allowed. If there seems any disposition on the part of the parties to take depositions again the Examiner will be glad to grant authority to have depositions later taken and admitted in the case.

Mr. Clifford: I think on behalf of WPCC it would be a very fair and equitable arrangement in this case.

Chief Examiner Yost: The Examiner would be pleased to have it done in the face of the uncertainty.

898 Mrs. Willebrandt: These two things must not be lost sight of in discussing this matter, which does become important. It becomes important for the applicant in this respect. The time of notice was too short for ordinary practice. However, the Commission granted the request. It appears that the notice was mailed as quickly as possible. It appears that it was delivered to other persons who received the same notice on the first mail Monday morning. It appears, further, that the office stamp of the objector here shows that it reached his office early Monday morning. It appears that he did not reach his counsel until 3 o'clock in the afternoon, and now we are asked, after 4 days ago offering to have depositions taken forthwith, wherever the respondents might wish—we are confronted with the fact that this Examiner is urged to rule these out.

Had there been a ruling that they were not admissible, or had the Commission refused the request to take the depositions, witnesses could have been here at the hearing. The applicant is denied the opportunity of having brought those witnesses here. It would have been more expensive, it is true, but probably not more expensive to all parties concerned than the delay which might be possible in case the Examiner decides at this late date that the depositions are not admissible.

In a sense, Mr. Examiner, it seems to me that when the Radio Commission issues an order to take depositions before a sworn officer of a particular subdivision of a state, naming him, and the place of taking, he stands in the same position as any other commissioner——

899 Mr. Cook: A notary public does?

Mrs. Willebrandt (continuing): —whose authority issued out of a court.

Had even at the late date that the objecting respondent says he received his notice—had he addressed a request to the officer who had been directed by the Radio Commission to act for it in the taking of these depositions, we would have a better record here today. But that was not done, and this is too late a date to overrule the action of the Radio Commission in allowing this testimony to be taken by depositions, in view of the fact that there is so much doubt about any irregularity having existed.

Mr. Clifford: I do not believe counsel meant it when she stated that there had been no delay on her part in serving the notice. She has stated herself that the Radio Commission granted her application to take depositions on Friday afternoon at 3 o'clock, on the 17th——

Mrs. Willebrandt: After 3.

Mr. Clifford: Well, what time after 3 would you say?

Mrs. Willebrandt: I think, between 3:30 and 4.

Mr. Clifford: We will say, 4 o'clock, before the close of the business day. Then she also states that notices were mailed from her office at 3:30 Saturday afternoon to these people in Chicago.

Mrs. Willebrandt: No, in the forenoon.

Mr. Clifford: I do not like to be critical at all, but I think that the time was too short, and I think the applicant should have notified the respondents by telegraph or telephone or by air mail or by special delivery letter im-
900 mediately, on Friday. They knew before the close of business, so that we could have had at least notification on Saturday to get ready to take depositions on Monday.

That is the reason I am making my objection, and I hope—I want to put this for the future so that it will not come up again—there will be some ruling or disposition as to the time within which counsel must be notified, by the rules of the Commission. I say that this was not a reasonable time, and the rules meant that there should be a reasonable time. The place at which the depositions were to be taken was 40 miles away. This was not a reasonable notice to anybody to take depositions.

Mr. Cook: If your Honor please, I have examined these depositions, and they are full of the kind of evidence that would be objected to by any counsel. Let me illustrate——

Chief Examiner Yost: Why can not we settle this matter by having depositions taken again? The Examiner feels warranted in making that request, in view of all the circumstances in connection with the depositions. Why can they not be taken?

Mr. Boyd: I think we are required to meet these depositions, if they are admissible, and any matter contained therein. We should be permitted to take depositions for the purpose of rebutting the statements made.

Mrs. Willebrandt: That is the real purpose of the objection.

Mr. Boyd: I think depositions are allowed only in exceptional cases.

Chief Examiner Yost: The fact remains that the
901 depositions were taken without the presence of representatives of the respondents.

Mr. Cook: I think this case has been tried before your Honor for six days, and if there is anything that can be put into depositions in the city of Gary that will add to your knowledge of the issues here presented, it would be beyond the rules and regulations of the Commission which say that in exceptional cases depositions shall be taken. I think it would only encumber the record.

Mrs. Willebrandt: Why didn't counsel, then, move to quash this order to take depositions?

Mr. Cook: We never heard of it until Monday. On Friday you applied for the order. We were not advised by telegraph or otherwise that the shooting would start in in Gary at 1 o'clock on the Monday following. The thing was already in performance before we had a chance to quash.

We were shot before we knew the gun was loaded.
902 Examining all of these depositions that were taken, I find questions put to individual witnesses, utterly improper, asking the witness to decide one or more issues in the case. I say that a repetition of that kind of depositions is going to waste time and delay the trial, postpone judgment, and add to the general misery.

Mrs. Willebrandt: Mr. Cook is right. I think we will get through more quickly by going through these depositions and by a stipulation removing from the record any objectionable testimony. These having been taken before a notary public, of course there are objectionable things in there. We will stipulate——

Mr. Cook: I think the whole thing ought to be dropped. I see no reason for adding to several thousands of pages of proof more of that kind of stuff, and making the Commission itself, if it should ever come to it, or his
903 Honor the Examiner, go through that kind of depositions. They are worthless for the purposes of the case. That is no reason to say, "Well, let us run them through the mill." I think there is no use in it. If the

Examiner wants to read them, he can, but I do not think they ought to be made a part of an orderly record.

Chief Examiner Yost: If it is stipulated that no further requests shall be made on the Federal Radio Commission for authority to take depositions in connection with this hearing, the Examiner reserves ruling on the admissibility of the depositions here offered. There is no use of any further discussion in that connection.

Mr. Newman: I would like to know now if they are going to be considered, and whether Mrs. Willebrandt will stipulate with myself that what is considered material and immaterial shall be left up to you.

Is that agreeable with you, Mrs. Willebrandt?

Mrs. Willebrandt: Yes.

Mr. Newman: In view of the fact that depositions ordinarily take a great deal of time to read and object to and scrap over, and in view of the fact that we do not usually have time to do it, that has been the custom in the past. That is agreeable with you?

Mrs. Willebrandt: That is satisfactory.

904 Mr. Clifford: That is all right.

Chief Examiner Yost: The Examiner will say that the parties entering appearances in this case will be given an opportunity, in conformity with the provisions of sub-title D, Section 4, subdivision (b) to submit any exceptions or written arguments that they may wish to file within a period of 15 days from the mailing of the Examiner's report.

Mr. Newman: The applicant and respondent were both, under your direction, to submit public accountants' certified statements of the condition of the two respective companies. I recall that in the instance of WIBO it was to be of January first, and then it seemed, according to your ruling, that in the case of the applicant station it was to be as of today. Did you mean that difference in time?

Chief Examiner Yost: Mr. Clifford stated it would be as of today.

FOLDOUT(S) IS/ARE TOO LARGE TO BE FILMED

911 APP. EXHIBIT 5.

912 Federal Radio Commission. Mar. 14, 1931.

Form No. -37-B.

Acknowledged 3/31/31.
M. L. B. Smith —.
File No. —. Official No. 543. Call Letters: WBBM-WJBT. Class of Service: ——.

Federal Radio Commission.

UNITED STATES OF AMERICA:

Application for Renewal of Radio Broadcasting Station License.

(Submit in Duplicate to District Supervisor of Radio in Charge of District in Which Station is Located. Swear to One Copy.)

To the Federal Radio Commission:

1. Name of applicant*: Atlass Company, Inc.
2. Post-office address: State, Illinois. City, Chicago. Street and number, 410 N. Michigan Ave.
3. Citizenship: Illinois Corp.
4. State whether applicant is a corporation, partnership, or association: Corporation.
5. If applicant is a corporation, state—(*a*) Under laws of what State it is organized: Illinois. (*b*) May more than one-fifth of capital stock be voted by aliens or their representatives, or by a foreign government or representative thereof? No. (*c*) Is any director or officer an alien? If

*If a corporation, state corporate name; if a partnership, state names of all partners and the name under which the partnership does business; if an unincorporated association, state the name of an executive officer, the office held by him, and the name of the association. The same name or names should be signed in the place provided at the end of application, except that in the case of a partnership the application may be signed in the name of the partnership by one of the partners. This application must be executed and signed in the name which appears on the license for which renewal is requested, unless there has been an assignment of the license with the written consent of the Commission.

so, state his name and position: No. (*d*) If applicant is a subsidiary, state name and address of parent company and under laws of what State or country parent company is organized: Columbia Broadcasting System, a New York Corporation. (*e*) Whether stock is to be sold for the purpose of raising money to operate station: No.

913-925 6. State fully the facts showing applicant's financial responsibility with respect to operation of this station: WBBM has been successfully operated under same management since 1923. No outside financing ever requested or used. References: Boulevard Bridge Bank, Chicago; First National Bank, Chicago.

7. Is applicant a representative of an alien or foreign Government? No.

8. Has the applicant, since February 23, 1927, been finally adjudged guilty by any Federal court of unlawfully monopolizing, or attempting unlawfully to monopolize, radio communication through control of manufacture or sale of radio apparatus, exclusive traffic arrangements, or any other means, or of unfair methods of competition? No.

9. State applicant's relation to station (whether applicant is owner or lessee, and if not, nature of applicant's interest in use and control of station): Owner.

10. If applicant is not owner of station, who is? Applicant.

11. File number and date of license sought to be renewed: File #4-ML-B 762. 543 modified as of February 27, 1931.

12. The existing license authorizes the use of: (*a*) Frequency, 770 kilocycles; (*b*) Power output for daytime operation, 25,000 watts; Nighttime, 25,000 watts; (*c*) Hours of operation, Full daytime, 4/7 night, as attached agreement; (d) Call letters, WBBM-WJBT.

13. Under existing license, state (*a*) Average per cent of time weekly, devoted to following services: (1) Entertainment, 87; (2) Religious, 2¼; (3) Commercial, 39¾; (4) Educational, 16½; (5) Agricultural, 6; (6) Fraternal, ——; (7) ——; (*b*) Average number of hours per month station has operated during present license period: 470; (*c*) Does applicant sell time? Yes; (*d*) If applicant does not sell time, how is station supported? ——; (*e*) Number of weekly hours of sponsored programs is 42½; of direct

advertising programs is none; (*f*) Are merchandise prices quoted in interest of applicant? No; or others? Yes. Restricted.

* * * * * * *

925½ 30. Does station obtain programs from what is known as a "chain"? Yes; (*a*) Name of chain, Columbia; (*b*) What is total hours per week of chain programs (i. e., programs, both paid or sustaining, which are duplicated by any other station)? 32¼.

31. (*a*) Attach printed program for week last preceding date of this application.

926 WBBM Air Theatre—Wrigley Building—Chicago.

Program, Wednesday, February 25, 1931.

(Morning.)

7:30 A. M.	CBS—Tony's Scrap Book.
7:45	Barton Organ—Al Melgard.
8:00	Farm Information—Official News and authentic farm information from leading agricultural colleges and Department of Agriculture, U. S. Government.
8:05	Smile Club—Al Melgard, organist, musical request program.
8:15	CBS—Pertussin Playboys.
8:30	CBS—Morning Moods.
x9:00	Climalene Dance Program.
x9:30	Burnhams Beauty Chat.
9:45	CBS—Sewing Circle.
10:00	CBS—"Five Minute Meals" by Ida Bailey Allen, by George Hormel Company.
x*10:15	Beauty Mould.
x10:30	Julia Hayes Household Hints.
x*11:00	Charis Players.
x11:15	News Flashes from the Daily Times.
x*11:30	Clem & Harry.
11:45	Maxey Church Organ.
12:00 to 1:00 P. M.	CBS—Farm Community Network.
12:00	Health for the Whole Family—A. M. A.

*Changed from last week.

12:05 Poet's Hour—Mr. Owen.
12:25 Local Markets Produce.
12:35 Band Concert—Comedy Script and Orchestra.
12:55 Farm Belt Headlines—Pertinent News for farmers.

927 WBBM Air Theatre—Wrigley Building—Chicago.

Program, Wednesday, February 25, 1931.

(Afternoon.)

1:00 P. M. Henri Gendron's Orchestra—Rialto Gardens.
1:15 CBS—Columbia Artists Recital.
1:30 Henri Gendron's Orchestra.
x2:00 Burnham's Beauty Chat.
2:15 Daily Times News Flashes from the Daily Times.
2:30 CBS—Syncopated Silhouettes.
3:00 CBS—Musical Album.
3:30 Maurie Sherman's Orchestra—Hotel Sherman.
4:00 Chicago Hour of Music, organ and vocalists.
4:25 Grain Markets.
4:30 Maurie Sherman's Orchestra.
4:50 Illinois Federation of Women's Clubs and organ.
x5:00 Hickory Circus.
x5:15 Curtiss Treasure Hunt.
x5:20 Daily Times News Flashes and stock market reports.
5:30 CBS—Winegar's Orchestra.
x5:45 CBS—Eno Crime Club.

928 WBBM Air Theatre—Wrigley Building—Chicago.

Program, Wednesday, February 25, 1931.

(Evening.)

6:00 P. M. Henri Gendron's Orchestra—Rialto Gardens.
6:30 CBS—Forhan's program—Evangeline Adams.

6:45	Off the Air until 8:00.
8:00	Ben Bernie's Orchestra—College Inn.
8:30	Leon Bloom's Concert Orchestra.
9:00	Paul Whiteman's Orchestra—Granada Cafe.
x9:30	Along the C. & E. I. Trail.
10:00	Off the Air until 11:15 P. M.
11:15 to 2:00 A. M.	"Around the Town." Nightly dance program presenting famous orchestras including:
11:15	Ben Bernie's Orchestra—College Inn.
11:45	Paul Whiteman's Orchestra—Granada Cafe.
12:15	Henri Gendron's Orchestra—Rialto Gardens.
12:45	Coffee Dan's—Frank Shaw.
1:00 A. M.	Ben Bernie's Orchestra—College Inn.
1:30	Paul Whiteman's Orchestra—Granada Cafe.

929 WBBM Air Theater—Wrigley Building—Chicago.

Program, Thursday, February 26, 1931.

(Daytime.)

7:30 A. M.	CBS—Tony's Scrap Book.
*7:45	CBS—Morning Minstrels.
*8:00	Farm Information.
8:15	Smile Club.
8:30	CBS—Morning Moods.
9:00	CBS—Radio Home Makers.
*9:15	Health Talk—American Medical Association.
x9:30	Burnham's Beauty Chat.
9:45	CBS—Barbara Gould Beauty Chat.
x10:00	Pequot Mills Program.
x10:15	Arnoil Beauty Serenade (recorded).
10:30	CBS—Fifth Avenue Foods.
x*10:45	Royal Blue Musical Chain.
x11:00	Adele Nelson's Beauty Chat.
x11:15	Times News Flashes.
x*11:30	Clem and Harry.

*Changed from last week.

11:45 Maxey Church Organ.
12:00 to 1:00 P. M. CBS—Farm Community Network.
12:00 Health Talk—A. M. A.
12:05 Midday Meditations.
12:25 Local Produce Markets.
x12:35 General Mills Program.
12:47½ Axel Christensen.

930 WBBM Air Theatre—Wrigley Building—Chicago.

Program, Thursday, February 26, 1931.

(Afternoon.)

1:00 P. M. Henri Gendron's Orchestra—Rialto Gardens.
x1:15 Julia Hayes Household Hints.
1:45 Henri Gendron's Orchestra—Rialto Gardens.
x2:00 Burnham's Beauty Talk.
x2:15 Times News Flashes.
2:30 CBS—Columbia Salon Orchestra.
3:00 Maurie Sherman's Orchestra—Sherman Hotel.
3:30 CBS—Asbury Casino Park Orchestra.
4:00 Chicago Hour.
4:25 Grain Markets.
*4:30 French Symphony Orchestra.
*4:45 Maurie Sherman's Orchestra.
4:50 Daughters of American Revolution Program.
x5:00 Hickory Circus.
x5:15 Curtiss Treasure Hunt.
x5:20 News Flashes from the Daily Times.
5:30 CBS—Pancho & His Orchestra.
5:45 CBS—Eno Crime Club.

931 WBBM Air Theatre—Wrigley Building—Chicago.

Program, Thursday, February 26, 1931.

(Evening.)

6:00 P. M. CBS—Morton Downey.
6:15 Henri Gendron's Orchestra—Rialto Gardens. Dance music.

*Changed from last week.

6:45	Off the air until 8:00 P. M.
*8:00	Local Loan Program.
8:15	CBS—Old Gold Character Readings.
8:30	CBS—Mystery Melodrama.
9:00	CBS—Lutheran League.
9:30	Off the air until 11:15 P. M.
11:15 to 2:00 A. M.	"Around the Town." Nightly dance program of famous leading orchestras including:
11:15	Ben Bernie's Orchestra—College Inn.
11:45	Paul Whiteman's Orchestra—Granada Cafe.
12:15	Henry Gendron's Orchestra—Rialto Gardens.
12:45	Coffee Dan's—Frank Shaw.
1:00	Ben Bernie's Orchestra—College Inn.
1:30	Paul Whiteman's Orchestra—Granada Cafe.

932 WBBM Air Theatre—Wrigley Building—Chicago.

Program, Friday, February 27, 1931.

(Morning.)

7:30 A. M.	CBS—Tony's Scrap Book.
*7:45	Barton Organ.
*8:00	Farm Information—Official News for Farmers from leading agricultural colleges and Department of Agriculture U. S. Government.
8:05	Smile Club—Al Melgard, organist, musical request program.
8:30	CBS—Morning Moods.
8:45	Organ—J. Wilson Doty.
9:00	CBS—Columbia Mixed Quartet.
9:15	Barton Organ.
x9:30	Burham's Beauty Chat—Discussion of various beauty problems and suggestions for their solution.
9:45	CBS—Martin-Senour.
10:00	CBS—Emily Post.
10:15	CBS—Cooking Travelogues—Winifred Carter.

*Changed from last week.

10:30 CBS—Commonsense for Mothers.
10:45 CBS—Beatrice Herford.
11:00 Barton Organ.
x11:15 News Flashes from the Daily Times—Last minute news of important happenings.
11:30 Clem and Harry.
11:45 Maxey Church Organ.
12:00 to 1:00 P. M. CBS—Farm Community Network.
12:00 Health for the Whole Family—A. M. A.
12:05 Songs That Never Grow Old.
12:25 Local Produce Markets.
12:35 Axel and Christina—Dialect Script.
12:47 Farmers Natl. Grain Corp.—Prominent Speakers.

933 WBBM Air Theatre—Wrigley Building—Chicago.

Program, Friday, February 27, 1931.

(Afternoon.)

1:00 P. M. Henri Gendron's Orchestra—Dance Music, Rialto Gardens.
x1:15 Julia Hayes.
1:45 Henri Gendron's Orchestra—Rialto Gardens.
x2:00 Burnham's Beauty Chat—Discussion of various beauty problems and suggestions for their solution.
x2:15 News Flashes from the Daily Times—last minute news of important current happenings.
2:30 CBS—U. S. Marine Band.
2:45 CBS—Columbia Educational Features.
3:00 CBS—Curtiss Institute of Music.
3:30 Maurie Sherman's Orchestra—Hotel Sherman.
4:00 Chicago Hour of Music—Organ, orchestra and vocalists.
4:25 Grain Markets.
4:30 Maurie Sherman's Orchestra.
*4:45 CBS—Champion Skaters.

*Changed from last week.

x5:00	Hickory Circus.
x5:15	Curtiss Treasure Hunt.
x5:20	Daily Times News Flashes and Stock Market Reports.
x5:30	Price's Vanilla Players.
x5:45	CBS—Eno Crime Club.

934 WBBM Air Theatre—Wrigley Building—Chicago.

Program, Friday, February 27, 1931.

(Evening.)

6:00 P. M.	Henri Gendron's Orchestra—Rialto Gardens.
6:15	CBS—American Mutual Program.
6:30	Henri Gendron's Orchestra—Rialto Gardens.
6:45	Off the air until 7:30 P. M.
7:30	CBS—Dutch Masters.
x8:00	Daily Times Spelling Bee.
x*8:30	Gerolsteiner Sparkling Hour.
9:00	Ben Bernie's Orchestra—College Inn.
x9:15	Marmon Musical Sixteen.
*9:30	Paul Whiteman's Orchestra — Granada Cafe.
10:00	Off the air until 11:15 P. M.
11:15 to 2:00 A. M.	"Around the Town." Nightly dance program presenting famous dance orchestras including:
11:15	Ben Bernie's Orchestra—College Inn.
11:45	Paul Whiteman's Orchestra — Granada Cafe.
12:15	Henri Gendron's Orchestra—Rialto Gardens.
12:45	Coffee Dan's—Frank Shaw.
1:00	Ben Bernie's Orchestra—College Inn.
1:30	Paul Whiteman's Orchestra — Granada Cafe.

*Changed from last week.

935 WBBM Air Theatre—Wrigley Building—Chicago.

Program, Saturday, February 28, 1931.

(Morning.)

7:30 A. M.	CBS—Tony's Scrap Book.
*7:45	CBS—Morning Minstrels.
*8:00	Farm Information.
8:05	Smile Club—J. Wilson Doty.
8:30	Julia Hayes—Household Hints.
x9:00	Climalene Dance Program.
x9:30	Burnham's Beauty Chat.
9:45	CBS—Vincent Sorey Orchestra.
x*10:00	Royal Blue Musical Chain.
10:15	Chicago Dental Society—Dr. Cadmus.
*10:30	Health Talk—A. M. A.—Advice for laymen on general care of health.
*10:45	CBS—N. Y. Philharmonic Orch.
x11:00	Beauty Chat by Adele Nelson.
x11:15	Daily Times News Flashes.
x*11:30	Clem and Harry.
11:45	Maxey Church Organ.
12:00 to 1:00 P. M.	CBS—Farm Community Network.
12:00	Health for the Whole Family—A. M. A.
12:05	WBBM Carnival.
12:25	Local Produce Markets.
12:35	Organ Lesson.
12:55	Farm Belt Headlines.

936 WBBM Air Theatre—Wrigley Bldg.—Chicago.

Program, Saturday, February 28, 1931.

(Afternoon.)

1:00 P. M.	Henri Gendron's Orchestra—Rialto Gardens.
1:15	CBS—National Democratic Club Forum.
1:45	Henri Gendron's Orchestra—Rialto Gardens.
x2:00	Burnham's Beauty Chat.
x2:15	Daily Times News Flashes.
2:30	CBS—Saturday Syncopators.

*Changed from last week.

3:00 CBS—Ann Leaf at the Organ.
3:30 Maurie Sherman's Orchestra—College Inn.
4:00 Chicago Hour of Music—Organ and vocalists.
4:30 Maurie Sherman's Orchestra—Sherman Hotel.
x5:00 Hickory Circus.
5:15 Barton Organ.
x5:20 Daily Times News Flashes.
5:30 CBS—Paul Tremaine's Orchestra.
5:45 CBS—Eno Crime Club.

937 WBBM Air Theatre—Wrigley Building—Chicago.

Program, Saturday, February 28, 1931.

(Evening.)

8:00 P. M. Ben Bernie's Orchestra—College Inn.
x8:15 Prima Sports Review.
x8:30 Daily Times Spelling Bee.
9:15 Chicagoans Orchestra.
x9:30 Paul Whiteman's Orchestra—Granada Cafe.
10:00 Sign off until 11:15 P. M.
11:15 to 2:00 A. M. "Around the Town."
Nightly dance program presenting famous orchestras including:
11:15 Ben Bernie's Orchestra—College Inn.
11:45 Paul Whiteman's Orchestra—Granada Cafe.
12:15 Henri Gendron's Orchestra—Rialto Gardens.
12:45 Coffee Dan's—Frank Shaw.
1:00 Ben Bernie's Orchestra—College Inn.
1:30 Paul Whiteman's Orchestra—Granada Cafe.

938 WBBM Air Theatre—Wrigley Building—Chicago.

Program, Sunday, March 1, 1931.

WJBT.

9:30 A. M. CBS—Adventures of Helen and Mary.
9:50 CBS—Columbia Educational Features—Dr. Fleischer.

*10:00	Nannette Cosmetic Hour.
*10:15	Morning Musical.
x10:30	Goldenrod Dance Program.
11:00	People's Church of Chicago—Dr. Preston Bradley.

WBBM.

12:45	Lewis E. Bower.
1:15	CBS—Cathedral Hour.
*1:30	Polish Hour.
2:00	People's Lithuanian Hour.
3:00	Variety Hour.
3:45	J. Wilson Doty—Organ Recital.
4:00	Walter Preston, Tenor.
4:30	CBS—Sweethearts of the Air.
x5:00	Norwegian Program.
x5:30	Wallace Pen Men.
x6:00	Chevrolet Musical Program.
6:30	Hickory Circus.
6:45	Off the air until 8 P. M.
8:00 P. M.	Ben Bernie's Orchestra.
8:30	CBS—Detroit Symphony Orchestra.
9:00	CBS—Jesse Crawford, Royal's Poet of the Organ.
9:30	CBS—Be Square Motor Club—Omaha Symphony Orch. (Barnsdall Program.)
10:00	Off the air until 11:15 P. M.
11:15	Henri Gendron's Orchestra—Rialto Gardens.
11:30	Ben Bernie's Orchestra—College Inn.
12:00	WBBM-Nutty Club—Paul Whiteman's Orchestra—Bobby Brown, Master of Ceremonies.

939 WBBM Air Theatre—Wrigley Building—Chicago.

Program, Monday, March 2, 1931.

(Morning.)

7:30 A. M.	CBS—Tony's Scrap Book.
7:45	Barton Organ.
8:00	Farm Information from Agricultural Colleges and Departments.

*Changed from last week.

8:05	Smile Club— —— ——, organist, musical request program.
8:15	CBS—Pertussin Playboys.
8:30	CBS—Morning Moods.
x9:00	Climalene Dance Program.
x9:30	Burnham's Beauty Chat—Discussion of various beauty problems and suggestions for their solution.
*9:45	CBS—Melody Parade.
10:00	Health Talk—American Medical Assn.—Advice on general care of the health.
*10:15	CBS—Madison Singers.
10:30	CBS—Fifth Avenue Foods.
x10:45	Julia Hayes Household Hints.
x11:15	News Flashes from the Daily News.
x11:30	Clem & Harry.
11:45	Columbia Revue.
12:00 to 1:00	CBS—Farm Community Network.
12:00	Health for the Whole Family—A. M. A.
12:05	Farm Frolic.
12:25	Local Markets.
*12:35	Junior Chamber of Commerce.

940 WBBM Air Theatre—Wrigley Building—Chicago.

Program, Monday, March 2, 1931.

(Afternoon.)

x*1:00 P. M.	Seedtown News.
1:05	Henri Gendron's Orchestra—Rialto Gardens.
1:15	CBS—Columbia Artist Recital.
1:30	Henri Gendron's Orchestra—Rialto Gardens.
x2:00	Burnham's Beauty Chat—Discussion of various beauty problems and suggestions for their solution.
x2:15	News Flashes from the Daily Times.
2:30	CBS—Ann Leaf at the Organ.
3:00	Maurie Sherman's Orchestra—Sherman Hotel.

*Changed from last week.

3:15	CBS—U. S. Army Band.
3:30	Maurie Sherman's Orchestra—Sherman Hotel.
4:00	Chicago Hour of Music, organ, orchestra and vocal.
4:25	Grain Markets.
4:30	Maurie Sherman's Orchestra.
4:50	Daughters of American Revolution.
x5:00	Hickory Circus.
x5:15	Curtiss Treasure Hunt.
x5:20	Daily Times News Flashes and Stock Market Report.
5:30	CBS—Melody Musketeers.
5:45	CBS—Eno Crime Club.

941 WBBM Air Theatre—Wrigley Building—Chicago.

Program, Monday, March 2, 1931.

(Evening.)

6:00 P. M.	Henri Gendron's Orchestra—Rialto Gardens.
6:30	CBS—Forhan's Program—Evangeline Adams.
6:45	Off the air until 8:00.
x8:00	Corina Get Together Party—Leon Bloom's Orchestra—Charlie & Gene—Piano Duet—Guest Soloists.
8:30	CBS—Bourjois—An Evening in Paris—Orchestra quartet and guest soloists.
x9:00	California Tours—Musical narrative with Leon Bloom's orchestra.
x9:15	Mountain Valley Melodies.
9:30	CBS—American Maize program—Adventures of Don Amaizo, mystery musician.
10:00	Off the air until 11:15 P. M.
11:15 to 2:00 A. M.	"Around the Town."
11:15	Ben Bernie's Orchestra—College Inn.
11:45	Paul Whiteman's Orchestra—Granada Cafe.
12:15	Henri Gendron's Orchestra—Rialto Gardens.

*Changed from last week.

12:45 Coffee Dan's—Frank Shaw.
1:00 Ben Bernie's Orchestra—College Inn.

942 WBBM Air Theatre—Wrigley Building—Chicago.

Program, Tuesday, March 3, 1931.

(Morning.)

7:30 A. M. CBS—Tony's Scrap Book.
7:45 CBS—Morning Minstrels.
8:00 Farm Information—Official news and authentic farm information from leading Agricultural Colleges and Dept. of Agriculture, U. S. Government for farmers.
8:05 Smile Club—Organist, musical request program.
8:15 CBS—Pertussin Playboys.
x8:30 Julia Hayes Household Hints.
x*9:00 Royal Blue Musical Chain.
9:15 CBS—Melody Parade—Vincent Sorey.
x9:30 CBS—O'Cedar Time—Benny Watson & Fred Von Ammon.
9:45 CBS—Party House.
10:00 CBS—Brer Rabbitt—Ida Bailey Allen.
10:15 CBS—Pebecco Program.
10:30 Chicago Dental Society.
10:45 Health Talk—American Medical Assn.—Advice to laymen on general care of the health.
x11:00 Adele Nelson—Beauty chat—Discussion and suggestions for care of personal appearance including hair, skin and figure.
x11:15 News Flashes from the Daily Times—Last minute news of important current happenings.
x11:30 Clem & Harry.
*11:45 CBS—Columbia Revue.
12:00 to 1:00 CBS—Community Farm Network.
12:00 Health Talk—A. M. A.
12:05 Story in Song.
12:25 Local Produce Markets.
x12:25 General Mills.
12:47½ National Live Stock Grain Association.

*Changed from last week.

943 WBBM Air—Wrigley Building—Chicago.

Program, Tuesday, March 3, 1931.

(Afternoon.)

x*1:00 P. M.	Seedtown News.
1:05	Henri Gendron's Orchestra—Rialto Gardens.
1:15	CBS—The Four Clubmen—Male Trio.
1:30	Henri Gendron's Orchestra—Rialto Gardens.
x2:00	Burnham's Beauty Chat.
x2:15	News Flashes from the Daily Times.
*2:30	CBS—Pancho & Orchestra.
3:30	Maurie Sherman's Orchestra — Sherman Hotel.
4:00	Chicago Hour of Music—Organ, orchestra and guest artists.
4:25	Grain Markets.
4:30	Maurie Sherman's Orchestra.
x4:50	Chicago Woman's Aid.
x5:00	Hickory Circus.
x5:15	Curtiss Treasure Hunt.
x5:20	Chicago Daily Times News Flashes and Stock Market.
x5:30	Price's Vanilla Players.
5:45	CBS—Eno Crime Club.

944 WBBM Air Theatre—Wrigley Building—Chicago.

Program, Tuesday, March 3, 1931.

(Evening.)

6:00 P. M.	Henri Gendron's Orchestra—Rialto Gardens.
6:15	CBS—American Mutual Program.
6:30	Henri Gendron's Orchestra.
6:45	Off the air until 8:00 P. M.
8:00	CBS—Henry and George.
x8:30	Dodge Double Duo—Dasheill Motors.

*Changed from last week.

x8:45 Metro Musical Sketch—Leon Bloom's Orchestra.
9:00 CBS—Graybar's Mr. & Mrs.—Dramatization of the events in the lives of Joe and Vi.
9:15 Chicagoans Orchestra.
9:30 CBS—Paramount-Publix Radio Playhouse—Guest Screen Stars—Famous Orchestra and master of ceremonies.
10:00 Off the air until 11:15 P. M.
11:15 to 2:00 A. M. "Around the Town." Nightly dance program presenting famous dance orchestras including:
11:15 Ben Bernie's Orchestra—College Inn.
11:45 Paul Whiteman's Orchestra—Granada Cafe.
12:15 Henri Gendron's Orchestra—Rialto Gardens.
12:45 Coffee Dan's—Frank Shaw.
1:00 A. M. Ben Bernie's Orchestra—College Inn.

945 WBBM Air Theatre—Wrigley Building—Chicago.

Program, Wednesday, March 4, 1931.

(Morning.)

7:30 A. M. CBS—Tony's Scrap Book.
7:45 Barton Organ—J. Wilson Doty.
8:00 Farm Information—Official news and authentic farm information from leading agricultural colleges and Department of Agriculture, U. S. Govt.
8:05 Smile Club—J. Wilson Doty, organist, musical request program.
8:15 CBS—Pertussin Playboys.
8:30 CBS—Morning Moods.
x9:00 Climalene Dance Program.
x9:30 Burnham's Beauty Chat.
9:45 CBS—Sewing Circle.
10:00 CBS—"Five Minute Meals" by Ida Bailey Allen, by George Hormel Company.

x*10:15	Organ Recital.
x10:30	Julia Hayes Household Hints.
x11:00	Charis Players.
x11:15	News Flashes from the Daily Times.
x11:30	Clem & Harry.
*11:45	CBS—Columbia Revue.
12:00 to 1:00 P. M.	CBS—Farm Community Network.
12:00	Health for the Whole Family—A. M. A.
12:05	Poet's Hour—Mr. Owen.
12:25	Local Market's Produce.
12:35	Band Concert—Comedy Script and Orchestra.
12:55	Farm Belt Headlines—Pertinent News for farmers.

946 WBBM Air Theatre—Wrigley Building—Chicago.

Program, Wednesday, March 4, 1931.

(Afternoon.)

x*1:00 P. M.	Seedtown News.
1:05	Henri Gendron's Orchestra—Rialto Gardens.
1:15	CBS—Columbia Artists Recital.
1:30	Henri Gendron's Orchestra—Rialto Gardens.
x2:00	Burnham's Beauty Chat.
2:15	Daily Times News Flashes from the Daily Times.
2:30	CBS—Syncopated Silhouettes.
3:00	CBS—Musical Album.
3:30	Maurie Sherman's Orchestra—Hotel Sherman.
4:00	Chicago Hour of Music, organ and vocalists.
4:25	Grain Markets.
4:30	Maurie Sherman's Orchestra.
4:50	Illinois Federation of Women's Clubs and organ.
x5:00	Hickory Circus.
x5:15	Curtiss Treasure Hunt.
x5:20	Daily Times News Flashes and stock market reports.

*Changed from last week.

5:30 CGS—Winegar's Orchestra.
x5:45 CBS—Eno Crime Club.

947 WBBM Air Theatre—Wrigley Building—Chicago.

Program, Wednesday, March 4, 1931.

(Evening.)

6:00 P. M. Henri Gendron's Orchestra—Rialto Gardens.
6:30 CBS—Forhan's Program—Evangeline Adams.
6:45 Off the air until 8:00.
8:00 Ben Bernie's Orchestra—College Inn.
8:30 Leon Bloom's Concert Orchestra.
9:00 Paul Whiteman's Orchestra—Granada Cafe.
x*9:15 Marmon Musical Sixteen.
x9:30 Along the C. & E. I. Trail.
10:00 Off the air until 11:15 P. M.
11:15 to 2:00 A. M. "Around the Town."
Nightly dance program presenting famous orchestras including:
11:15 Ben Bernie's Orchestra—College Inn.
11:45 Paul Whiteman's Orchestra—Granada Cafe.
12:15 Henri Gendron's Orchestra—Rialto Gardens.
12:45 Coffee Dan's—Frank Shaw.
1:00 A. M. Ben Bernie's Orchestra—College Inn.
1:30 Paul Whiteman's Orchestra—Granada Cafe.

948 WBBM Air Theatre—Wrigley Building—Chicago.

Program, Thursday, March 5, 1931.

(Daytime.)

7:30 A. M. CBS—Tony's Scrap Book.
7:45 CBS—Morning Minstrels.

*Changed from last week.

8:00	Farm Information.
8:15	Smile Club.
8:30	CBS—Morning Moods.
9:00	CBS—Radio Home Makers.
9:15	Health Talk—American Medical Association.
x9:30	Burnham's Beauty Chat.
9:45	CBS—Barbara Gould Beauty Chat.
x10:00	Pequot Mills Program.
x10:15	Arnoil Beauty Serenade (recorded).
10:30	CBS—Fifth Avenue Foods.
x10:45	Royal Blue Musical Chain.
x11:00	Adele Nelson's Beauty Chat.
x11:15	Times News Flashes.
x11:30	Clem and Harry.
11:45	CBS—Columbia Revue.
12:00 to 1:00 P. M.	CBS—Farm Community Network.
12:00	Health Talk—A. M. A.
12:05	Midday Meditations.
12:25	Local Produce Markets.
x12:35	General Mills Program.
12:47½	Axel Christensen.

949 WBBM Air Theatre—Wrigley Building—Chicago.

Program, Thursday, March 5, 1931.

(Afternoon.)

*1:00 P. M.	Seedtown.
1:05	Henri Gendron's Orchestra—Rialto Gardens.
x1:15	Julia Hayes Household Hints.
1:45	Henri Gendron's Orchestra—Rialto Gardens.
x2:00	Burnhams Beauty Talk.
x2:15	Times News Flashes.
2:30	CBS—Columbia Salon Orchestra.
3:00	Maurie Sherman's Orchestra—Sherman Hotel.
3:30	CBS—Asbury Casino Park Orchestra.
4:00	Chicago Hour.

*Changed from last week.

4:25 Grain Markets.
4:30 French Symphony Orchestra.
4:45 Harold Neumiller.
4:50 Daughters of America Revolution Program.
*5:00 Children's Program.
*5:15 Maxey Church Organ.
x5:20 News Flashes from the Daily Times.
5:30 CBS—Pancho & His Orchestra.
5:45 CBS—Eno Crime Club.

950-953 WBBM Air Theatre—Wrigley Building—Chicago.

Program, Thursday, March 5, 1931.

(Evening.)

6:00 P. M. CBS—Morton Downey.
6:15 Henri Gendron's Orchestra—Rialto Gardens Dance music.
6:45 Off the Air Until 8:00 P. M.
8:00 Local Loan Program.
8:15 CBS—Old Gold Character Readings.
8:30 CBS—Mystery Melodrama.
9:00 CBS—Lutheran League.
9:30 Off the Air Until 11:15 P. M.
11:15 to 2:00 A. M. "Around the Town."
Nightly dance program of famous leading orchestras including:
11:15 Ben Bernie's Orchestra—College Inn.
11:45 Paul Whiteman's Orchestra—Granada Cafe.
12:15 Henri Gendron's Orchestra—Rialto Gardens.
12:45 Coffee Dan's—Frank Shaw.
1:00 Ben Bernie's Orchestra—College Inn.
1:30 Paul Whiteman's Orchestra—Granada Cafe.

954-956 33. Do you maintain continuous watch on ship-calling channel during operative hours? Yes.

34. (*a*) Is applicant directly or indirectly interested in ownership or control of any other radio stations? No. (*b*)

*Changed from last week.

If so, state number, call letters, and location of such stations: None.

35. State definite facts why the continued operation of the station will be in the public convenience, interest, or necessity? See attached.

WBBM is the Chicago Key Station of the Columbia Broadcasting System, originating from 12 to 25 hours of education and entertainment programs each week, which are fed to member stations of the Columbia System. The Columbia Farm Community Network originates with WBBM.

WBBM is an independent station controlled by neither newspaper, monopoly, manufacturer, church nor union, and the facilities of WBBM are available to any persons or parties that have a message in the public interest. Consequently, the scope of public service from WBBM is much greater than could be offered by any station with such affiliations as are above mentioned, whose primary interest in a radio station naturally is self-promotion.

Through WBBM, many associations, manufacturers and newspapers are able to present such material to the public as is in the public interest, convenience and necessity. In this way, WBBM serves as a radio medium operated entirely in the public interest, convenience and necessity.

WBBM was one of the first stations in Illinois, and since 1923 has successfully served a great audience in the middle west, and from all over the world, with high grade educational, religious and entertainment features.

Educational work now being conducted includes daily health talks presented directly from the headquarters of medical science, the American Medical Association, talks on "Americanism" prepared by the D. A. R., household information, and special programs for women, presented from our own studios, and as a member of the Columbia Broadcasting System, athletic exercises presented by our own physical director. Detailed and comprehensive farm information is presented by our own farm director, and also in conjunction with the U. S. Department of Agriculture; news flashes and market information are presented at regular intervals throughout the day, directly from the Chicago Daily Times, Chicago.

A complete religious service is presented each Sunday. This service includes a morning address by Dr. Preston

Bradley of the Peoples Church of Chicago, a special service each Sunday evening by prominent leaders of various denominations, as well as all of the services available from the Columbia Broadcasting System.

Entertainment attractions from WBBM are unexcelled. They include the presentations of the world's outstanding orchestras, popular recording artists; a symphonic orchestra under the direction of A. Leon Bloom, which is maintained in the studio at all times, and productions by a competent studio staff, directed by Walter Preston.

957 APP. EXHIBIT 6.

958 Federal Radio Commission, Jan. —, 1931.

File No.: 564. Official No.: 564. Call Letters: WIBO. Class of Service: Broadcasting.

UNITED STATES OF AMERICA:

Federal Radio Commission.

Application for Renewal of Radio Broadcasting Station License.

(Submit in duplicate to District Supervisor of Radio in charge of District in which station is located. Swear to one copy.)

To the Federal Radio Commission:

1. Name of applicant*: Nelson Brothers Bond and Mortgage Company.

2. Post-office address: State, Chicago, Illinois; City, Chicago; Street and number, 134 North LaSalle Street.

3. Citizenship: American.

4. State whether applicant is a corporation, partnership, or association: Corporation.

* If a corporation, state corporate name; if a partnership, state names of all partners and the name under which the partnership does business; if an unincorporated association, state the name of an executive officer, the office held by him, and the name of the association. The same name or names should be signed in the place provided at the end of application, except that in the case of a partnership the application may be signed in the name of the partnership by one of the partners. This application must be executed and signed in the name which appears on the license for which renewal is requested, unless there has been an assignment of the license with the written consent of the Commission.

5. If applicant is a corporation, state (*a*) Under laws of what State it is organized: Illinois; (*b*) May more than one-fifth of capital stock be voted by aliens or their representatives, or by a foreign government or representative thereof? No; (*c*) Is any director or officer an alien? If so, state his name and position: None; (*d*) If applicant is a subsidiary, state name and address of parent company and under laws of what State or country parent company is organized: Not a subsidiary; (*e*) Whether stock is to be sold for the purpose of raising money to operate station: No.

959 6. State fully the facts showing applicant's financial responsibility with respect to operation of this station: Owned and operated by Nelson Brothers Bond and Mortgage Company, a $1,000,000 corporation. Incorporated under State of Illinois.

7. Is applicant a representative of an alien or foreign Government? No.

8. Has the applicant, since February 23, 1927, been finally adjudged guilty by any Federal court of unlawfully monopolizing, or attempting unlawfully to monopolize, radio communication through control of manufacture or sale of radio apparatus, exclusive traffic arrangements, or any other means, or of unfair methods of competition? No.

9. State applicant's relation to station (whether applicant is owner or lessee, and if not, nature of applicant's interest in use and control of station): Owner.

10. If applicant is not owner of station, who is? ——

11. File number and date of license sought to be renewed: 564—September 30th, 1930.

12. The existing license authorizes the use of: (*a*) Frequency, 560 kilocycles; (*b*) Power output for daytime operation, 1,500 watts; Nighttime, 1,000 watts; (*c*) Hours of operation, 6:30 A. M. to 2:00 A. M.; (*d*) Call letters, WIBO.

13. Under existing license, state (*a*) Average per cent of time weekly, devoted to following services: (1) Entertainment, 70; (2) Religious, 5; (3) Commercial, 25; (4) Educational, ——; (5) Agricultural, ——; (6) Fraternal, ——; (7) ——; (*b*) Average number of hours per month station has operated during present license period: 514; (*c*) Does applicant sell time? Yes; (*d*) If applicant does not sell time, how is station supported? ——; (*e*) Number of

weekly hours of sponsored programs is 30; of direct advertising programs is None; (*f*) Are merchandise prices quoted in interest of applicant? No; or others? No;
960 (*g*) Average number of hours sold weekly before 6 p. m., 20¾; after 6 p. m., 9¼; (*h*) Average number of hours used weekly in interest of applicant, 4½; (*i*) Average amount of money spent weekly for talent, $2,000; (*j*) Total monthly net income, $4,500.

14. Description of transmitting apparatus (if more than one transmitter is to be used, the following information should be submitted separately for each such transmitter): (*a*) Make, Composite; (*b*) Type, Automatic Crystal Control; (*c*) Manufacturer's serial number, None; (*d*) Oscillator: Type of circuit, Hartly UX 210; Number of tubes, 1; Plate current (per tube), 30 M. A.; Plate voltage, 400; (*e*) Number of intermediate power amplifier stages (if any), 3; (*f*) Power amplifier, if used (last stage): Number of tubes, 2; Normal operating: Plate current (per tube), 450 M. A.; Plate voltage, 5,500; Night Time, Normal operating: Plate current (per tube), 325 M. A.; Plate voltage, 5,000; Manufacturer's rating of tubes: Plate current, 1 Amp.; Plate voltage, 5,000; Power output, 1,500 watts; Night Time Power output, 1,000 watts; (*g*) Modulator: Number of tubes, 1; Plate current (per tube), 4 Amp.; Plate voltage, 5,500; Which radio stage is modulated? 3rd Amplifier; (*h*) Maximum power output, 10,000 watts; Minimum power output for satisfactory operation, 1,000 watts; Normal radiated power, 15 meter amperes; Height of antenna (from its ground or counterpoise to highest point of antenna), 40 meters; Antenna current (at base), 15 amperes; (*i*) Plate power supply source for last stage, Motor Generator; Ratings (voltage and current), 6,000 Volt at 5 Amp.; What is maximum percentage of modulation? 100; Modulation measuring device is Westinghouse Osiso.

15. (*a*) Type of antenna, "T"; (*b*) Height of vertical lead, 120 feet; (*c*) Length of flat top (if any), 140 feet; (*d*) Counterpoise, type, and dimensions, Fan, 150 Foot Radius; (*e*) Distance between towers or antenna supports, 300 feet; (*f*) Resistance of antenna system, 8 ohms; (*g*) Date apparatus was installed, December 15, 1929.

961 16. The applicant represents that the attached is an accurate schematic diagram of the fundamental radio and audio circuit of the transmitter, including an-

tenna and ground or counterpoise connections, antenna feed system, and that it indicates type and power of tubes with manufacturer's name. (This should be a blue print or ink drawing, approximately the size of this application, or a complete schematic diagram of any size applicant has on file may be submitted.) (*b*) Speech input equipment: Make, Composite; Type, Resistance Couple; Audio monitoring device, 2 UX 25 Full wave Rectifier Feeding Speaker Direct.

17. (*a*) Within how many cycles of assigned frequency will frequency of transmitter be maintained continuously? 50. (*b*) State what apparatus is included as an integral part of the transmitter that will automatically hold frequency within the limits specified in answer to 17 (*a*) (such as quartz crystal): Quartz Crystal in Grid Circuit of Oscillator (UX 250). If crystal is used, state whether or not crystal has automatic temperature control: Yes. If not, why not? ——.

18. (*a*) What type of frequency measurement or calibration apparatus will be used to tune the transmitter or check its tuning? Automatic Crystal Control. (*b*) Within how many cycles will this apparatus measure the frequency? Supposedly Exactly. (*c*) What methods will be used to check the calibration of this precision instrument? Instruments of local radio supervisor. (*d*) How often is this instrument checked? ——.

19. Location of transmitter: State, Illinois; County, Cook; City or town, Near Desplaines; Street and number, Ballard Road; Latitude: Degrees, 42; minutes, 1; seconds, 14; Longitude: Degrees, 87; minutes, 50; seconds, 8.

20. Description of auxiliary transmitting apparatus, if any: (1) Make, None; (2) Type, None; (3) Manufacturer's serial number, None.

21. Location of auxiliary transmitter: State, None; Couny, ——; City or town, None; Street and number, None; Latitude: Degrees, ——; minutes, ——; seconds, ——; Longitude: Degrees, ——; minutes, ——; seconds, ——.

962

22. Location of main studio: State, Illinois; County, Cook; City or town, Chicago; Street and number, 6312 Broadway. Other studios: Chicago Evening American, Hearst Bldg., 326 W. Madison, Chicago, Illinois; Chicago

Theatre (principal theatre of Balaban & Katz Chain, 175 North State Street, Chicago, Illinois.

23. Has any change in location of either transmitter or main studio been made during present license period? No. If so, what change? ——.

24. Number of persons residing within various distances of transmitter: (*a*) For stations of all powers, give number of persons residing within 1 mile: 100; 2 miles, 500; 3 miles, 1500. (*b*) For all stations of power above 1 KW., give in addition to above the number of persons residing within 5 miles: 25,000; 8 miles, 60,000.

25. (a) The following radio transmitting stations (by call letters) are located within 1 mile of location of transmitter: None; 2 miles, None; 3 miles, None; 8 miles, WJAZ and WBBM. (*b*) The following radio nonbroadcasting (commercial or Government) receiving stations are located within 1 mile of the location of transmitter: None; 2 miles, None; 3 miles, None; 8 miles, None.

26. (*a*) Name and give location of any airports or flying fields within 10 miles of transmitter: Curtiss Airport. (*b*) Give distance from transmitter to each of such airports or flying fields: 6 miles to Curtiss Airport. (*c*) Name
963 and give distance from transmitter to any established airways within 10 miles of location of transmitter: Two miles to the Chicago-Milwaukee Airway. (*d*) Give maximum height (in feet) of towers or antenna above ground level: 150 feet. (*e*) Are towers painted and marked with signal lights to conform with Department of Commerce, Bureau of Aeronautics, specifications? Towers are lighted.

27. Specify actual periods station has been operated since effective date of existing license:

	A. M.	P. M.	Total daily hours.
Sunday	3	7½	10½
Monday	5½	12	17½
Tuesday	5½	12½	18
Wednesday	5½	12½	18
Thursday	5½	13	18½
Friday	5½	13	18½
Saturday	5½	12	17½
Total weekly hours			118½

28. Does station divide time? Yes. If so, with what station-? WPCC & WISJ.

29. State average number of hours per month station will be operated during each month in the summer: 494; Each month in the winter, 509.

30. Does station obtain programs from what is known as a "chain?" Yes. (*a*) Name of chain: National Broadcasting Company. (*b*) What is total hours per week of chain programs (i. e., programs, both paid or sustaining, which are duplicated by any other station)? 17.

31. (*a*) Attach printed program for week last preceding date of this application. Entire Month of November. (*b*) Are phonographic or mechanical reproductions used? Yes. If so, how are they announced? Phonograph Records.

964 Federal Radio Comm., Mar. 20, 1931. Received 1st Mail, Mail and Files.

Affiliated with Chicago Evening American. Member National Broadcasting Company.

WIBO, Chicago, Illinois.
Phone: Central 6383. Studio: Sheldrake 6000.

March 18, 1931.

Mr. James W. Baldwin,
Secretary, Federal Radio Commission,
Washington, D. C.

DEAR MR. BALDWIN:

Your letter of March 11th, 1931.

In referring to application of this station, I find an error in the reply to Paragraph 27 of Form 37-B. The correct information is as follows:

	A. M.		P. M.		Total hrs.
Monday	6:30-12:00 12:00- 2:00	7½ hrs.	12:00- 5:00 7:00-12:00	10 hrs.	17½
Tuesday	6:30-12:00 12:00- 2:00	7½ hrs.	12:00- 5:00 6:30-12:00	10½ hrs.	18
Wednesday	6:30-12:00 12:00- 2:00	7½ hrs.	12:00- 5:00 6:30-12:00	10½ hrs.	18
Thursday	6:30-12:00 12:00- 2:00	7½ hrs.	12:00- 5:00 6:00-12:00	11 hrs.	18½

	A. M.		P. M.		Total hrs.
Friday	6:30-12:00 7½ hrs. 12:00- 2:00		12:00- 5:00 11 hrs. 6:00-12:00		18½
Saturday	6:00-12:00 7½ hrs. 12:00- 2:00		12:00- 5:00 10 hrs. 7:00-12:00		17½
Sunday	7:30-10:00 4 hrs. 12:00- 1:30		12:30- 4:00 6½ hrs. 7:00- 8:00 4:30- 6:00 (by special authority Sunday)		10½
Total Hours Weekly					118½

The division of A. M. and P. M. hours of operation reported was obviously erroneous, and resulted from counting hours after midnight as P. M. hours.

I am attaching triplicate copies of agreement between WPCC and WIBO, in accordance with your request. I hope this supplies the necessary information and data.

Sincerely yours,

ALVIN E. NELSON,
ALVIN E. NELSON,
President Radio Station WIBO.

AEN:GEM.
Enc.

965 Federal Radio Comm., Mar. 20, 1931. Received 1st Mail, Mail and Files.

Chicago, Illinois, March 17, 1931.

Whereas the owners of WPCC of Chicago, and WIBO of Chicago, for a considerable period have had a parol agreement whereby the license periods designated in the licenses of the stations have been deviated from, and whereas it is the desire of the aforesaid owners to continue that agreement during the ensuing year:

In order to comply with the request of the Radio Commission, this agreement is reduced to writing and is as follows:

Between the hours of 12:30 P. M. and 4:30 P. M. on Sunday, and between the hours of 7:00 P. M. and 8:00 P. M. on Sunday, WPCC will not operate its transmitter, but will permit and agree that WIBO shall operate the transmitter of WIBO during the aforesaid hours. That in consideration for this concession on the part of WPCC, WIBO

agrees to broadcast the program of the North Shore Church or such program as Dr. J. C. O'Hair may designate during the following specified hours:

From 12:00 Noon until 12:30 P. M. on each week-day, and on Monday from 7:00 to 7:30 P. M., and on Tuesday from 7:30 to 8:00 P. M., and on Friday from 6:00 to 6:30 P. M.

it being understood that this agreement shall become void in the event the Radio Commission shall reallocate to either of the aforesaid stations any of the time herein specified, and may be terminated after sixty (60) days' notice in writing.

It is further understood that a copy of this agreement will forthwith be filed with the Secretary of the Radio Commission in accordance with his request.

NELSON BROTHERS BOND & MORTGAGE COMPANY,
By ALVIN E. NELSON,
President.
NORTH SHORE CHURCH,
By J. C. O'HAIR,
Pastor and Agent.

966 Federal Radio Comm., Mar. 20, 1931. Received 1st Mail, Mail and Files.

Chicago, Illinois, March 17, 1931.

Whereas the owners of WPCC of Chicago, and WIBO of Chicago, for a considerable period have had a parol agreement whereby the license periods designated in the licenses of the stations have been deviated from, and whereas it is the desire of the aforesaid owners to continue that agreement during the ensuing year:

In order to comply with the request of the Radio Commission, this agreement is reduced to writing and is as follows:

Between the hours of 12:30 P. M. and 4:30 P. M. on Sunday, and between the hours of 7:00 P. M. and 8:00 P. M. on Sunday, WPCC will not operate its transmitter, but will permit and agree that WIBO shall operate the transmitter of WIBO during the aforesaid hours. That in consideration for this concession on the part of WPCC, WIBO

agrees to broadcast the program of the North Shore Church or such program as Dr. J. C. O'Hair may designate during the following specified hours:

From 12:00 Noon until 12:30 P. M. on each week-day, and on Monday from 7:00 to 7:30 P. M., and on Tuesday from 7:30 to 8:00 P. M., and on Friday from 6:00 to 6:30 P. M.

it being understood that this agreement shall become void in the event the Radio Commission shall reallocate to either of the aforesaid stations any of the time herein specified, and may be terminated after sixty (60) days' notice in writing.

It is further understood that a copy of this agreement will forthwith be filed with the Secretary of the Radio Commission in accordance with his request.

NELSON BROTHERS BOND & MORTGAGE COMPANY,
By ALVIN E. NELSON,
President.
NORTH SHORE CHURCH,
By J. C. O'HAIR,
Pastor and Agent.

967 Federal Radio Comm., Mar. 20, 1931. Received 1st Mail, Mail and Files.

Chicago, Illinois, March 17, 1931.

Whereas the owners of WPCC of Chicago, and WIBO of Chicago, for a considerable period have had a parol agreement whereby the license periods designated in the licenses of the stations have been deviated from, and whereas it is the desire of the aforesaid owners to continue that agreement during the ensuing year:

In order to comply with the request of the Radio Commission, this agreement is reduced to writing and is as follows:

Between the hours of 12:30 P. M. and 4:30 P. M. on Sunday, and between the hours of 7:00 P. M. and 8:00 P. M. on Sunday, WPCC will not operate its transmitter, but will permit and agree that WIBO shall operate the transmitter of WIBO during the aforesaid hours. That in consider-

ation for this concession on the part of WPCC, WIBO agrees to broadcast the program of the North Shore Church or such program as Dr. J. C. O'Hair may designate during the following specified hours:

From 12:00 Noon until 12:30 P. M. on each week day, and on Monday from 7:00 to 7:30 P. M., and on Tuesday from 7:30 to 8:00 P. M., and on Friday from 6:00 to 6:30 P. M.

it being understood that this agreement shall become void in the event the Radio Commission shall reallocate to either of the aforesaid stations any of the time herein specified, and may be terminated after sixty (60) days' notice in writing.

It is further understood that a copy of this agreement will forthwith be filed with the Secretary of the Radio Commission in accordance with his request.

NELSON BROTHERS BOND & MORTGAGE COMPANY,
By ALVIN E. NELSON,
President.
NORTH SHORE CHURCH,
By J. C. O'HAIR,
Pastor and Agent.

32. Give names and classes of licensed operators in charge of station: H. V. FitzCharles, 1st, 6-6-29; Carl Nicholson, 2nd, 2-5-30; Paul Miller, 2nd, 5-16-30; Leopold Fetcher, 2nd, 3-18-30; Roxey Burley, 2nd, 4-17-30. (*a*) Number of other employees: 27. (*b*) Total weekly pay roll, $2,150.

968 *W I B O Program Log.*

560 Kilocycles—535.7 Meters.

Saturday, November 1st, 1930.

Bulova Time Signal	6:25
Uncle John	6:26
Bulova Time Clock	7:30
Cream of Wheat—N. B. C.	7:45
Foreman Clark	8:00
Bulova Time Clock	8:15
Vermont Lumberjacks—N. B. C.	8:30

Children's Program	8:45
Musical Interlude	9:00
Reading Room	9:15
Happy Home Program	9:45
Bulova Annc.	10:30
News Flashes	10:31
Around the House	10:45
Uptown Chicago Radio Hour	11:00
American Annc.	11:58
Bulova Annc.	11:59
W P C C	12:00
Bulova Annc.	12:30
American Annc.	12:31
News Flashes	12:32
White City Ballroom	12:45
American Annc.	1:00
George Devron	1:01
Uptown Conservatory	1:15
American Annc.	1:30
Publix Theatre Reporter	1:31
Television	1:36
Bulova Time Signal	1:45
Football Game	1:47
Studio Orchestra	4:25
Evening American Annc.	4:30
Television	4:31
American Annc.	4:58
Bulova Annc.	4:59
Sign off	5:00
Bulova Time Signal	7:00
Speech—N. B. C.	7:01
White City Ballroom	7:05
Bower Annc.	7:08
Publix Reporter	7:09
Washington Shirt Annc.	7:14½
Savage Speech	7:15
American Annc.	7:29
Fuller Brush—N. B. C.	7:30
General Electric Annc.	8:00
General Electric Program	8:00½
General Electric Annc.	9:00

	Henrici Annc.	9:00½
	Civic Opera—N. B. C.	9:01
	Henrici Annc.	10:00
	American Annc.	10:00½
	Weather Report	10:01
	First Nighter	10:04
	Bulova Annc.	10:30
	Publix Program	10:31
	Geo. Devron	10:36
	Golf Tournament—N. B. C.	11:00
	American Annc.	11:01
	Garrigan	11:11
	White City	11:30
969	George Devron	11:45
	Bulova Time Signal	12:00
	Garrigan	12:01
	American Annc.	12:15
	Devron	12:16
	Art Kassel	12:30
	Garrigan	1:30
	Sign off	2:00

970 *W I B O Program Log.*

560 Kilocycles—535.7 Meters.

Sunday, November 2nd, 1930.

Tone Pictures—N. B. C.	7:00
Swedish Services	8:00
Sign off	10:00
Popular Studio Program	12:30
Publix Reporter	1:00
Bower Annc.	1:05
Meditations of Man	1:05½
Copeland Smith League	1:30
Music Box	2:30
Norwegian Services	3:00
W P C C	4:00
Dr. Emerson Fosdick—N. B. C.	4:30
Catholic Hour	5:00
Sign off	6:00
Bulova Annc.	7:00

Studio Program	7:00½
Bower Annc.	7:14
Garrigan	7:15
Chase and Sanborn—N. B. C.	7:30
W P C C	8:00
Pennzoil Program—N. B. C.	9:15
Sign off	9:30
Devron	12:00
White City	12:15
Art Kassel	12:30
Garrigan	1:30
Sign off	2:00

971 *W I B O Program Log.*

560 Kilocycles—535.7 Meters.

Wednesday, November 5, 1930

Uncle John and His Family	6:25 A. M.
Cheerio N. B. C.	7:30
Cream of Wheat Program N. B. C.	7:45
Foreman & Clark Program	8:00
Bulova Time Clock	8:15
Vermont Lumberjacks	8:30
Children's Program	8:45
Libby McNeil & Libby N. B. C.	9:00
Reading Room	9:15
Wildroot Program N. B. C.	9:45
Forecast School of Cookery N. B. C.	10:00
Bulova Time Signal	10:30
Evening American News Flashes	10:31
Around the Home	10:45
Uptown Chicago Radio Hour	11:00
Bulova Time Signal	12:00
North Shore Church	12:01
Evening American News Flashes	12:30 P. M.
George Devron's Orchestra	12:45
Bulova Time Signal	1:14
Blue Chasers N. B. C.	1:15
Publix Theatre Reporter	1:40
George Devron	1:45
Granada Golf Course Ann.	1:59

Race—N. B. C.	2:00
White City Ballroom	2:15
Bower Announcement	2:29
Race N. B. C.	2:30
Book Review N. B. C.	2:45
Washington Shirt Announcement	2:46
Bulova Time Signal	3:00
Radio Guild N. B. C.	3:01
Lewis Bower—& Granada Golf Ann.	4:00
White City Marathon	4:01
Paradise Ballroom Ann.	4:15
Evening American News Flashes	4:16
Granada Golf Ann.	4:30
Television—studio	4:31
Bulova Time Signal	4:59
Sign Off	5:00
Phil Cook Quaker Man N. B. C.	6:30
William Hard N. B. C.	6:45
Washington Shirt Announcement	7:00
George Devron	7:01
White City Ballroom	7:25
Jimmy Garrigan	7:30
Bulova Time Signal	8:00
Studio Program—Television	8:01
Hayes Announcement	8:24
Publix Theatre Reporter	8:25
Giant Finger of the Air	8:30
Chicago Theatre Program	9:00
Louis E. Bower Announcement	9:30
George Devron	9:31
White City	9:45
Bulova Time Signal	10:00
Weather Report	10:01
Music Box	10:03
Garrigan	10:30
Canadian Pacific N. B. C.	11:00
White City	11:30
George Devron Orchestra	11:45
Bulova Time Signal	12:00
Jimmy Garrigan	12:01
Golf Tournament	12:05
Jimmy Garrigan Orchestra	12:30
Sign Off	1:00

972 *W I B O Program Log.*

560 Kilocycles—535.7 Meters.

Thursday, November 6, 1930

Uncle John	6:25
Cheerio—N. B. C.	7:30
Cream of Wheat—N. B. C.	7:45
Foreman Clark Program	8:00
Bulova Time Clock	8:15
Vermont Lumberjacks—N. B. C.	8:30
Children's Program	8:45
Libby McNeil—Libby—N. B. C.	9:00
Reading Room	9:15
News Flashes	9:45
Bulova Announcement	9:59
Forecast School of Cooking—N. B. C.	10:00
Northern Warren—N. B. C.	10:30
Around the Home	10:45
Uptown Radio Hour	11:00
Bulova Time Signal	12:00
W P C C	12:00½
News Flashes	12:32
Announcement	12:45
George Devron	12:46
Bulova Time Signal	1:15
Studio—Television	1:16
Announcement	1:24½
Publix Theatre Reporter	1:25
Captain Rickenbacker—N. B. C.	1:30
Washington Shirt Anne.	2:00
International Broadcast—N. B. C.	2:00½
Bulova Time Signal	3:00
Bower Anne.	3:01
Magic of Speech—N. B. C.	3:02
American Announcement	3:30
Granada Golf Program	3:31
White City Ballroom	4:00
American Announcement	4:14
News Flashes	4:15
Hayes Announcement	4:30
Studio Television	4:31

American Annc.	4:59½
Bulova Announcement	4:59
Sign off	5:00
Midweek Federation—N. B. C.	6:00
Phil Cook—N. B. C.	6:30
Jarman Shoe Program—N. B. C.	6:45
Jarman Announcement	7:00
Mr. Bartlette—Speaker	7:01
Special Announcement	7:10
George Devron	7:11
Bulova Time Signal	7:29
Bower Annc.	7:30
Jimmy Garrigan	7:31
Washington Shirt Annc.	7:54
Publix Theatre Reporter	7:55
Knox Dunlop Program—N. B. C.	8:00
Shayne Annc.	8:15
National Sugaar Program—N. B. C.	8:30
Bower Program	9:00
Publix Program	9:15
Atlas Annc.	9:30
Devron	9:31
Jimmy Garrigan	9:46
Bulova Time Signal	10:00
Weather Report	10:01
Music Box	10:03
Hayes Annc.	10:29
First Nighter	10:30
Garrigan	11:00
White City	11:30
George Devron	11:45
Jimmy Garrigan	12:00
Geo. Devron	12:15
Garrigan until 1:00	12:30
Sign off	1:00

973 *W I B O Program Log.*

560 Kilocycles—535.7 Meters.

Friday, November 7th, 1930.

Uncle John	6:25
Cheerio—N. B. C.	7:30

Cream of Wheat—N. B. C.	7:45
Foreman Clark Program	8:00
Bulova Time Clock	8:15
Vermont Lumberjack—N. B. C.	8:30
Children's Program	8:45
Libby McNeil—Libby—N. B. C.	9:00
Reading Room	9:15
H. J. Heinz—N. B. C.	9:45
Musical Appreciation—N. B. C.	10:00
Bulova Time Signal	10:45
What's Good in your Cupboard	10:46
Uptown Chicago Radio Hour	11:00
Bulova Time Signal	11:59
W P C C	12:00
News Flashes	12:30
Special Announcement	12:45
George Devron	12:46
Bulova Time Signal	1:15
Studio—Television	1:15
Publix Theatre Reporter	1:40
Atlas Announcement	1:45
George Devron	1:46
Washington Shirt Anne.	2:00
Studio—Television	2:01
Hayes Announcement	2:15
White City Ballroom	2:16
Philharmonic Orchestra—N. B. C.	2:30
Bulova Time Signal	3:00
Dancing Melodies—N. B. C.	3:01
Bower Anne.	3:30
Granada Golf Program	3:31
White City Ballroom	4:00
News Flashes	4:15
Studio—Television	4:30
Special Announcement	4:58
Bulova Time Signal	4:59
Sign off	5:00
Bulova Time Signal	6:00
Publix Reporter	6:01
Bob Hawks	6:10
Bennwy Swartz Weather Report	6:12
National Battery—N. B. C.	6:15
N: B. C.—Phil Cook—N. B. C.	6:30

Brownbilt Program—N. B. C.	6:45
Nestle's Chocolateers—N. B. C.	7:00
Conn Program	7:30½
Craddock Terry—N. B. C.	7:45
Cliquot Club Ginger Ale—N. B. C.	8:00
Washington Shirt Program	8:30
Atlas Program	9:00
R K O—N. B. C.	9:30
Hirsch Announcement	10:00
Bulova Time Signal	10:01
Publix Reporter Program	10:02
Hayes Program	10:15
Bower Annc.	10:30
George Devron	10:31
White City	10:45
Jimmy Garrigan	11:00
Granada Golf Annc.	11:30
White City	11:31
George Devron	11:45
Bulova Time Signal	12:00
Garrigan	12:01
American Annc.	12:15
George Devron	12:16
Jimmy Garrigan	12:30
Sign off	1:00

974 *W I B O Program Log.*

560 Kilocycles—535.7 Meters.

Saturday, November 8, 1930.

Uncle John and His Family	6:25 A. M.
Cheerio N. B. C.	7:30
Cream of Wheat N. B. C.	7:45
Foreman & Clark	8:00
Bulova Time Clock	8:15
Vermont Lumberjacks N. B. C.	8:30
Children's Program	8:45
Musical Interlude	9:00
Reading Room	9:15
Happy Home Program	9:45
Bulova Time Signal	10:30
Evening American News Flashes	10:31

Around the Home	10:45
Uptown Chicago Radio Hour	11:00
Bulova Time Signal	12:00
North Shore Church	12:01 P. M.
Evening American News Flashes	12:30
Louis E. Bower Ann.	12:45
White City Marathon	12:46
Bulova Time Signal	1:00
George Devron	1:01
Break at 1:15 for Ann.	1:15
Special Announcement	1:30
Studio—Television	1:31
Publix Theatre Reporter	1:40
Bulova Time Signal	1:45
Football Game—Chicago-Purdue	1:46
Washington Shirt Ann.	4:30
Studio—Television	4:31
Hayes Announcement	4:58
Bulova Time Signal	4:59
Sign off	5:00
H. J. Heinz Program N. B. C.	7:00
General Electric Announcement	8:00
General Electric Program N. B. C. (Cut Bells at end)	8:00½
General Electric Announcement	9:00
Henrici Announcement	9:00½
Opera—Jewels of the Madonna N. B. C.	9:01
Henrici Announcement	10:00
Weather Report	10:01
Publix Theatre Reporter	10:03
Music Box	10:08
Hayes Announcement	10:29
Bulova Time Signal	10:30
The First Nighter	10:31
Washington Announcement	11:00
Jimmy Garrigan Orchestra	11:01
Bower Announcement	11:29
White City	11:30
George Devron's Orchestra	11:45
Bulova Time Signal	12:00
Jimmy Garrigan's Orchestra	12:01
George Devron's Orchestra	12:15
Atlas Announcement	12:30

Jimmy Garrigan	12:31
Sign off	1:00

975 *WIBO Program Log.*

560 Kilocycles—535.7 Meters.

Sunday, November 9, 1930.

Tone Pictures—N. B. C.	7:30
Swedish Services	8:00
Sign off	10:00
Popular Program	12:30
Publix Reporter	1:00
Meditations of Man	1:05
Copeland Smith League	1:30
Music Box	2:30
Norwegian Program	3:00
W P C C	4:00
Dr. Fosdick—N. B. C.	4:30
Catholic Hour	5:00
Sign off	6:00
Studio Program	7:00
Garrigan	7:15
Chase and Sanborn—N. B. C.	7:30
Pennzoil Program Annc.	8:00
W P C C	8:0-½
Pennzoil Pete—N. B. C.	9:15
Sign off	9:30
George Devron	12:00
White City	12:15
Garrigan	12:30
Sign off	1:00

976 *W I B O Program Log.*

560 Kilocycles—535.7 Meters.

Monday, November 10, 1930.

Uncle John and His Family	6:25 A. M.
Cheerio N. B. C	7:30
Cream of Wheat N. B. C	7:45
Bulova Time Clock	8:00
Popular Bits N. B. C	8:15

Vermont Lumberjacks N. B. C	8:30
Children's Program	8:45
Drug Program N. B. C	9:00
Reading Room	9:15
Happy Home Program	9:45
Bulova Time Signal	10:30
Evening American News Flashes	10:31
Around the Home	10:45
Uptown Chicago Radio Hour	11:00
Bulova Time Signal	12:00
North Shore Church	12:01 P. M.
Evening American News Flashes	12:30
Atlas Announcement	12:45
George Devron's Terrace Garden Orch	12:46
Bulova Time Signal	1:15
Studio—Television	1:16
Publix Theatre Reporter	1:40
Hayes Announcement	1:45
George Devron	1:50
Bower Announcement	2:00
Studio—Television	2:01
Special Announcement	2:15
White City	2:16
Chicago Serenaders N. B. C	2:30
Bulova Time Signal	3:00
Washington Announcement	3:01
Studio Program musical	3:02
News Flashes	3:15
Granada Golf Program	3:30
Special Announcement	4:00
White City	4:01
Evening American News Flashes	4:15
Special Announcement	4:30
Studio—Television	4:31
Bulova Time Signal	4:59
Sign Off	5:00
Merle Thorpe N. B. C	7:00
Roxy N. B. C	7:15
Bennie Schwartz Weather Report	7:25
Bulova Time Signal	7:29
Bower Program	7:30
Garrigan's Orchestra	7:45

	Hayes Announcement	8:00
	Studio—Television	8:01
	Publix Theatre Reporter	8:25
	Washington Shirt Announcement	8:30
	Giant Finger	8:31
	George Devron's Orchestra	9:00
	Special Announcement	9:15
	White City	9:16
	Van Gunten speaker	9:30
	Studio	9:40
	Atlas Announcement	9:44
	Jimmy Garrigan's Orchestra	9:45
	Bulova Time Signal	10:00
	Weather Report	10:01
	Music Box	10:04
	George Devron	10:30
	White City	10:45
	Jimmy Garrigan	11:00
	Special Announcement	11:30
	White City Marathon	11:31
	George Devron	11:45
977	Bulova Time Signal	12:00
	Jimmy Garrigan's Orchestra	12:01 A. M.
	Special Announcement	12:15
	George Devron	12:16
	Garrigan	12:30
	Sign Off	1:00

978 *W I B O Program Log.*

560 Kilocycles—535.7 Meters.

Tuesday, November 11, 1930.

	Uncle John and His Family	6:25 A. M.
	Cheerio N. B. C.	7:30
	Cream of Wheat N. B. C.	7:45
	Bulova Time Clock	8:00
	Calsodent N. B. C.	8:15
	Vermont Lumberjacks N. B. C.	8:30
	Children's Program	8:45
	Libby, McNeil & Libby N. B. C.	9:00
	Reading Room	9:15

H. J. Heinz Program N. B. C	9:45
Forecast School of Cookery N. B. C	10:00
Bulova Time Signal	10:30
Evening American News Flashes	10:31
Around the Home	10:45
2 minutes' silent meditation	11:00
Uptown Radio Hr	11:01
Bulova Time Signal	12:00
North Shore Church	12:01 P. M.
Evening American News Flashes	12:30
Special Announcement	12:45
George Devron's Announcement	12:46
Bulova Time Signal	1:15
Studio—Television	1:16
Publix Theatre Reporter	1:40
George Devron's Orchestra	1:45
Washington Shirt Announcement	2:00
Studio—Television	2:01
Hayes Announcement	2:15
White City Marathon	2:16
Woodrow Wilson Lewies N. B. C	2:30
Bulova Time Signal	3:15
Studio Program (Break 3:30 for Ann)	3:16
Atlas Announcement	3:59
White City Marathon	4:00
Evening American News	4.15
Studio—Television	4.30
Bower Announcement	4:58
Bulova Time Signal	4:59
Sign Off	5:00
Phil Cook N. B. C	6:30
Curtis Candy Co	6:45
Speaker—Studio	6:50
Bulova Time Signal	6:59
North Shore Church	7:08½
Jimmy Garrigan's Orchestra	8:00
Hayes Announcement	8:24
Publix Treatre Reporter	8:25
Continental Bakers N. B. C	8:30
Enna Jettick N. B. C. (Cut Bells)	9:00
Mandel Brothers Ann	9:15
Rosenthal Program	9:15½
Lucky Strike Dance Orchestra N. B. C	9:30

Bulova Time Signal	10:00
Weather Report	10:01
Music Box	10:03
Washington Shirt Announcement	10:30
The First Nighter	10:30½
Bower Announcement	11:00
Jimmy Garrigan	11:01
Atlas Ann.	11:30
White City	11:31
George Devron's Orchestra	11:45
Bulova Time Signal	12:00
Garrigan's Orchestra	12:01 A. M.
George Devron's Orchestra	12:15 A. M.
Jimmy Garrigan's Orchestra	12:30
Sign Off	1:00

979 *W I B O Program Log.*

560 Kilocycles—535.7 Meters.

Wednesday, November 12, 1930.

Uncle John and His Family	6:25 A. M.
Cheerio—N. B. C.	7:30
Cream of Wheat—N. B. C.	7:45
Bulova Time Clock	8:00
Popular Bits—N. B. C.	8:15
Vermont Lumberjacks—N. B. C.	8:30
Children's Program	8:45
Libby, McNeil & Libby—N. B. C.	9:00
Reading Room	9:15
Wildroot Program—N. B. C.	9:45
Forecast School of Cookery—N. B. C.	10:00
Bulova Time Signal	10:30
Evening American News Flashes	10:31
Around the Home	10:45
Uptown Chicago Radio Hour	11:00
Bulova Time Signal	12:00
North Shore Church	12:01 P. M.
Evening American News Flashes	12:30
Atlas Announcement	12:45
George Devron's Orchestra	12:46
Bulova Time Signal	1:15
Studio—Television	1:16

Publix Theatre Reporter	1:40
George Devron's Orchestra	1:45
Washington Shirt Co. Announcement	2:00
Studio—Television	2:01
Special Announcement	2:15
White City Marathon	2:16
Band of 1000 Melodies—N. B. C.	2:30
How to Get a Job—N. B. C.	2:45
Bulova Time Signal	3:00
Studio Program	3:01
Hayes Announcement	3:30
Studio Program	3:31
Special Announcement	3:59
White City Marathon	4:00
Evening American News Flashes	4:15
Bower Announcement	4:30
Studio—Television	4:31
Bulova Time Signal	4:59
Sign Off	5:00
Phil Cook—N. B. C.	6:30
Curtiss Candy Co.	6:45
Jimmy Garrigan's Orchestra	6:50
Bulova Time Signal	7:00
George Devron's Orchestra	7:01
Hayes Announcement	7:30
Jimmy Garrigan's Orchestra	7:31
Washington Shirt Co. Announcement	7:59
Al Smith—N. B. C.	8:00
Studio—Television	8:15
Publix Theatre Reporter—Television	8:25
Bower Announcement	8:30
Giant Finger of the Air	8:31
Chicago Theatre	9:00
Atlas Announcement	9:30
George Devron's Orchestra	9:31
Special Announcement	9:45
White City Marathon	9:46
Bulova Time Signal	10:00
Weather Report	10:01
The Music Box	10:03
Golf Tour	10:20
Jimmy Garrigan's Orchestra	10:37
Royal York Orchestra—N. B. C.	11:00

	Special Announcement	11:30
	White City Marathon	11:31
	George Devron's Orchestra	11:45
	Bulova Time Signal	12:00
	Jimmy Garrigan's Orchestra	12:01
980	George Devron's Orchestra	12:15
	Jimmy Garrigan's Orchestra	12:30
	Sign Off	1:00

981 *W I B O Program Log.*

535.7 Meters—560 Kilocycles.

Thursday, November 13, 1930.

Uncle John	6:25
Cheerio—N. B. C.	7:30
Cream of Wheat—N. B. C.	7:45
Bulova Time Clock	8:00
Popular Bits—N. B. C.	8:15
Vermont Lumberjacks—N. B. C.	8:30
Children's Program	8:45
Libby, McNeil & Libby—N. B. C	9:00
Reading Room	9:15
News Flashes	9:45
Bulova Time Signal	9:59
Forecast School of Cookery—N. B. C.	10:00
Northon Warren—N. B. C.	10:30
Around the Home	10:45
Uptown Chicago Hour	11:00
Bulova Time Signal	11:59
W P C C	12:00
News Flashes	12:30
What's Good in Cupboard Annc.	12:45
Devron	12:46
Bulova Time Signal	1:15
Studio—Television	1:16
Publix Theatre Reporter	1:40
Atlas Annc.	1:45
Devron	1:46
Academy of Arts Opening—N. B. C.	2:00
Bulova Time Signal	3:00
Studio Program	3:01

Bower Annc.	3:30
Studio Program	3:31
Washington Annc.	3:59
White City Ballroom	4:00
American Annc.	4:15
News Flashes	4:16
Studio—Television	4:30
Special Annc.	4:58
Bulova Time Signal	4:59
Sign off	5:00
Midweek Federation—N. B. C.	6:00
Phil Cook—N. B. C.	6:30
Jarman Shoe Program—N. B. C.	7:00
Speaker—Mr. Carroll	7:00½
Garrigan	7:05
Special Annc.	7:10
George Devron	7:11
Atlas Annc.	7:29
Bulova Time Signal	7:30
Garrigan	7:31
Publix Reporter	7:55
Knox Dunlop—N. B. C.	8:00
(Break at 8:15 for Shayne Annc.	
National Sugar—N. B. C.	8:30
Hayes Program	9:00
Publix Program	9:15
Washington Shirt Annc.	9:30
George Devron	9:31
Garrigan	9:45
Bulova Time Signal	10:00
Weather Report	10:01
Music Box	10:03
Bower Annc.	10:29
First Nighter	10:30
Garrigan	11:00
Special Annc.	11:30
White City	11:31
Union Restaurant	11:45
Bulova Time Signal	12:00
Garrigan	12:01
Devron	12:15

Garrigan 12:30
Sign off 1:00

982 *W I B O Program Log.*

560 Kilocycles—535.7 Meters.

Friday, November 14th, 1930.

Uncle John 6:25
Cheerio—N. B. C. 7:30
Cream of Wheat—N. B. C. 7:45
Bulova Time Clock 8:00
Popular Bits—N. B. C. 8:15
Vermont Lumberjacks—N. B. C. 8:30
Childrens Program 8:45
Libby McNeil Libby—N. B. C. 9:00
Reading Room 9:15
H. J. Heinz Program—N. B. C. 9:45
Musical Appreciation—N. B. C. 10:00
Bulova Time Signal 10:45
What's Good in your cupbo*a*rad 10:46
Upt*w*on Chicago Radio Hour 11:00
Bulova Time Signal 11:59
W P C C 12:00
News Flashes 12:30
Organ—Union Restaurant 12:45
Bulova Time Signal 1:00
Devron 1:01
Washington Shirt Annc. 1:29
Remington Welch 1:30
Theatre Reporter 1:40
White City 1:50
Academy of Arts Bldg.—N. B. C. 2:00
Bulova Time Signal 3:00
Stu*id*o —Television 3:01
Stu*id*o Program 3:16
Bower Annc. 3:30
Studio Program 3:31
Art Kassel Annc. 3:45
Studio Program 3:46
Atlas Annc. 4:00
White City 5:01
Special Annc. 4:15

News Flashes	4:15½
Special Annc.	4:30
Studio—Television	4:31
Bulova Time Signal	4:59
Sign off	5:00
Chicago Theatre	6:00
Bulova Annc.	6:10
Benny Swarts Weather Report	6:11
National Battery—N. B. C.	6:15
Phil Cook—N. B. C.	6:30
Brownbilt Shoes—N. B. C.	6:45
Nestles—N. B. C.	7:00
Garrigan	7:30
Craddock Terry—N. B. C.	7:45
Cluquot Club—N. B. C.	8:00
Washington Shirt Program	8:30
Atlas Annc. Program	9:00
R. K. O.—N. B. C.	9:30
Bulova Annc.	10:00
B. & K. Program	10:01
Hayes Annc.	10:14½
Foreman Clar Program	10:15
Bower Annc.	10:30
Weather Report	10:31
Devron	10:34
White City	10:45
Art Kassel Annc.	10:59
Garrigan—N. B. C.	11:00
White City	11:31
Devron	11:45
Bulova Annc.	12:00
Garrigan	12:15
Devron	12:15
Remington Welch	12:30
Garrigan	1:00
Sign off	1:30

983 *W I B O Program Log.*

560 Kilocycles—535.7 Meters.

Saturday, November 15, 1930

Uncle John	6:25
Cheerio—N. B. C.	7:30

Cream of Wheat—N. B. C.	7:45
Bulova Time Clock	8:00
Popular Bits—N. B. C.	8:15
Vermont Lumberjacks—N. B. C.	8:30
Childrens Program	8:45
Musical Interlude	9:00
Reading Room	9:15
Happy Home Program	9:45
Bulova Time Signal	10:30
News Flashes	10:45
Around the Home	10:45
Uptown Chicago Radio Hour	11:00
Bulova Time Signal	11:59
W P C C	12:00
News Flashes	12:30
Hayes Annc.	12:44
Remington Welch	12:45
Washington Shirt Annc.	1:00
Devron	1:01
Bulova Time Signal	1:15
Studio—Television	1:16
Publix Reporter	1:25
Buy Now Announcement	1:30
Remington Welch	1:30½
Buy Now Announcement	1:45
Football Game	1:46
Bower Annc.	4:30
Television	4:31
Bulova Annc.	4:59
Sign off	5:00
George Devron	7:00
Publix Reporter	7:10
Hayes Annc.	7:15
Remington Welch	7:16
Bulova Time Signal	7:29
Fuller Brush—N. B. C.	7:30
General Electric Annc.	8:00
General Electric—N. B. C.	8:00½
General Electric Annc.	9:00
Henrici Announcement	9:00½
Civic Opera—N. B. C.	9:01
Henrici Announcement	10:00
Bulova Time Signal	10:01

Weather Report	10:02
Music Box	10:04
Art Kassel	10:30
Washington Shirt Annc.	11:00
Garrigan	11:01
Bower Annc.	11:30
White City	11:31
Atlas Announcement	11:45
Devron	11:46
Bulova Time Signal	12:00
Garrigan	12:01
Radio Digest Annc.	12:15
Geo. Devron	12:16
Remington Welch	12:30
Garrigan	1:00
Sign off	1:30

984 *W I B O Program Log.*

560 Kilocycles—535.7 Meters.

Sunday, November 16, 1930.

Tone Pictures—N. B. C.	7:30
Swedish Services	8:00
Sign off	10:00
Popular Studio Program	12:30
Publix Reporter	12:55
Red Cross Program	1:00
Copeland Smith League	1:30
Art Kassel	2:30
Norwegian Program	3:00
W P C C	4:00
Dr. Fosdick—N. B. C.	4:30
Catholid Hour—N. B. C.	5:00
Sign off	6:00
Popular Studio	7:00
Garrigan	7:15
Chase and Sanborn—N. B. C.	7:30
Pennzoil Program Annc.	8:00
W P C C	8:00½
Pennzoil Program—N. B. C.	9:15
Sign off	9:30
Devron	12:00

White City	12:15
Remington Welch	12:30
Garrigan	1:00
Sign off	1.30

985 *W I B O Program Log.*

560 Kilocycles—535.7 Meters.

Monday, November 17, 1930.

Uncle John	6:25
Cheerio—N. B. C.	7:30
Cream of Wheat—N. B. C.	7:45
Bulova Time Clock	8:00
Popular Bits—N. B. C.	8:15
Vermont Lumberjacks—N. B. C.	8:30
Children's Program	8:45
Drug Program—N. B. C.	9:00
Reading Room	9:15
Happy Home Program	9:45
Bulova Time Signal	10:30
News Flashes	10:31
Around the House	10:45
Uptown Chicago Radio Hour	11:00
Bulova Time Signal	11:59
W P C C	12:00
Ners Flashes	12:30
Remington Welch	12:45
Bulova Time Signal	1:00
Geo. Devron	1:01
Publix Reporter	1:25
Bower Announcement	1:30
Organ	1:31
Hayes Announcement	1:45
Geo. Devron	1:46
Washington Shirt Annc.	2:00
Studio—Television	2:01
White City	2:15
Chicago Serenade—N. B. C.	2:30
Bulova Time Signal	3:00
Studio Program	3:01
Atlas Annc.	3:30

Granada Golf Program	3:31	
White City	4:00	
Evening Amer. News Flashes	4:15	
Buy Now Annc.	4:30	
Studio Television	4:31	
Bulova Annc.	4:59	
Sign off	5:00	
Merle Thorpe—N. B. C.	7:00	
Roxy—N. B. C.	7:15	
Capbel Hose Annc.	7:30	
Benny Swarts Weather Report	7:31	
Devron	7:35	
Buy Now Annc.	7:45	
Welch—Remington	7:45	
Bulova Annc.	8:00	
Garrigan	8:01	
Hayes Annc.	8:14	
Television	8:15	
Giant Finger	8:30	
Publix Reporter	8:55	
Devron	9:00	
Buy Now Annc.	9:15	White.
White City	9:16	
Van Gunten Speech	9:30	
Atlas Annc.	9:40	
Garrigan	9:41	
Bulova Annc.	10:00	
Weather Report	10:01	
Music Box	10:03	
Washington Shirt Annc.	10:30	
First Nighter	10:31	
Buy Now Announcement	11:00	
Garrigan	11:01	
Art Kassel Annc.	11:30	
White City	11:31	
Geo. Devron	11:45	
986 Bulova Announcement	12:00	
Garrigan	12:01	
Geo. Devron	12:15	
Remington Welch	12:30	
Garrigan	1:00	
Sign off	1:30	

987 *W I B O Program Log.*

560 Kilocycles—535.7 Meters.

Tuesday, November 18, 1930.

Uncle John	6:25
Cheerio—N. B. C.	7:30
Cream of Wheat—N. B. C.	7:45
Bylova Time Clock	8:00
Calsodent—N. B. C.	8:15
Vermont Lumberjacks—N. B. C.	8:30
Children's Program	8:45
Libby McNeil-Libby—N. B. C.	9:00
Reading Room	9:15
H. J. Heinz—N. B. C.	9:45
Forecast School of Cookery—N. B. C.	10:00
Bulova Time Signal	10:30
News Flashes	10:31
Around the House	10:45
Uptown Chicago Radio Hour	11:00
Bulova Time Signal	11:59
W P C C	12:00
News Flashes	12:30
Remington Welch	12:45
Bulova Time Signal	1:00
Devron	1:01
Hayes Annc.	1:24
Publix Theatre Reporter	1:25
Remington Welch	1:30
Atlas Annc.	1:45
Geo. Devron	1:46
Bower Annc.	2:00
Studio—Television	2:01
White City Ballroom	2:15
Chicago Serenade—N. B. C.	2:30
Bulova Time Signal	3:00
Studio Program	3:01
White City	4:01
Evening American News Flashes	4:15
Buy Now Annc.	4:30
Studio—Television	4:31
Bulova Time Signal	4:59

Sign off	5:00
Phil Cook—N. B. C.	6:30
Curtiss Candy Co.	6:45
Speaker (Hearst Square)	6:50
W P C C	7:00
Welch	7:50
Bulova Time Signal	8:00
Garrigan	8:01
Hayes Annc.	8:15
Studio—Television	8:16
Publix Theatre Reporter	8:25
Continental Bakers—N. B. C.	8:30
Enna Jettick—N. B. C.	9:00
Mandel Bros. Annc.	9:15
Rosenthal Program	9:15½
Lucky Strike—N. B. C.	9:30
Campbell Hose Annc.	10:00
Bulova Time Signal	10:01
Weather Report	10:02
Music Box	10:04
Art Kassel	10:30
Atlas Annc.	11:00
Garrigan	11:30
White City	11:45
Bulova Annc.	12:00
Garrigan	12:01
Geo. Devron	12:15
Welch	12:30
Garrigan	1:00
Sign off	1:30

988 *W I B O Program Log.*

560 Kilocycles—535.6 Meters.

Wednesday, November 19, 1930.

Uncle John	6:25
Cheerio—N. B. C.	7:30
Cream of Wheat—N. B. C.	7:45
Bulova Time Clock	8:00
Popular Bits—N. B. C.	8:15
Vermont Lumberjacks—N. B. C.	8:30

Children's Program	8:45
Libby McNeil-Libby—N. B. C.	9:00
Reading Room	9:15
Wildroot—N. B. C.	9:45
Forecast School of Cookery—N. B. C.	10:00
Bulova Time Signal	10:30
News Flashes	10:31
Around the Home	10:45
Uptown Chicago Radio Hour	11:00
Bulova Time Signal	11:59
W P C C	12:00
News Flashes	12:30
Welch	12:45
Bulova Time Signal	1:01
Geo. Devon	1:02
Washington Shirt Annc.	1:24
Publix Theatre Reporter	1:25
Welch	1:30
Hayes Annc.	1:45
Studio—Television	1:46
Bower Annc.	1:59½
International Broadcast—N. B. C.	2:00
Bulova Time Signal	3:00
White City Ballroom	3:01
Atlas Annc.	3:15
Studio Program	3:16
Art Kassel Annc.	3:30
Studio Program	3:31
White City	4:00
News Flashes	4:15
Studio—Television	4:30
Bulova Annc.	4:59
Sign off	5:00
Phil Cook—N. B. C.	6:30
Curtiss Candy Prog.	6:50
Wm. Hardk—N. B. C.	6:55
Bulova Annc.	7:00
Welch Organ	7:01
Hayes Annc.	7:15
Devron	7:15
Garrigan	7:31
Washington Shirt Annc.	8:00
Devron	8:01

Television	8:15
Publix Reporter	8:25
Giant Finger of the Air	8:30
Chicago Theatre	9:00
Campbell Hose Annc.	9:30
Bower Program	9:31
White City	9:45
Bulova Annc.	10:00
Music Box	10:01
First Nighter	10:30
Canadian Pacific—N. B. C.	11:00
White City	11:30
Geo. Devron	11:45
Bulova Annc.	12:00
Garrigan	12:01
Devron	12:15
Welch—Organ	12:30
Garrigan	1:00
Sign off	1:30

989 *W I B O Program Log.*

560 Kilocycles—535.7 Meters.

Thursday, Nov. 20th, 1930.

Uncle John	6:25
Cheerio—N. B. C.	7:30
Cream of Wheat—N. B. C.	7:45
Curtiss Candy Annc.	8:00
Bulova Time Clock	8:01
Popular Bits—N. B. C.	8:15
Vermont Lumberjacks—N. B. C.	8:30
Children's Program	8:45
Curtiss Candy Annc.	8:59
Libby McNeil-Libby—N. B. C.	9:00
Reading Room	9:15
Kellogg Program	9:45
Forecast School of Cookery—N. B. C.	10:00
Northom Warren—N. B. C.	10:30
Around the Home	10:45
Uptown Chicago Radio Hour	11:00
Bulova Time Signal	11:59
W P C C	12:00

News Flashes	12:30
What's Good in your Cupboard	12:45
Welch	12:46
Bulova Time Signal	1:00
Geo. Devron	1:01
Bower Annc.	1:24
Publix Theatre Reporter	1:25
Welch	1:30
Hayes Annc.	1:45
Geo. Devron	1:46
Washington Shirt Annc.	2:00
Studio—Television	2:01
Sylvano Annc.	2:15
White City	2:16
Chicago Serenade—N. B. C.	2:30
Bulova Time Signal	3:00
Studio Program	3:01
Atlas Annc.	3:15
Studio Program	3:16
Curtiss Candy Co.	3:30
Studio Program	3:31
Sylvano	3:45
Studio Program	3:46
White City	4:00
News Flashes	4:15
Curtiss Annc.	4:30
Studio—Television	4:31
Bulova Annc.	4:59
Sign off	5:00
Midweek Federation—N. B. C.	6:00
Phil Cook—N. B. C.	6:30
Jarman Shoe—N. B. C.	6:45
Jarman Annc.	7:00
Organ	7:01
Sylvano	7:15
Devron	7:16
Reporter	7:25
Bulova Time Signal	7:30
Garrigan	7:31
Campbell Annc.	7:59
Knox Dunlop—N. B. C.	8:00
National Sugar—N. B. C.	8:30
Hayes Program	9:00

	Publix Program	9:15
	Sylvano	9:30
	Atlas Annc.	9:45
	Bulova Time	10:00
	Weather R-port	10:01
	Music Box	10:03
	Art Kassel	10:30
	Bower Annc.	11:00
990	Garrigan	11:01
	Buy Now Annc.	11:30
	White City	11:31
	Sylvano	11:45
	Bulova Annc.	12:00
	Garrigan	12:01
	Devron	12:15
	Remington Welch	12:30
	Sylvano	1:00
	Garrigan	1:30
	Sign off	2:00

991 *W I B O Program Log.*

560 Kilocycles—5.7 Meters.

Friday, November 21st.

Uncle John and his Family	6:25
Cheerio—N. B. C	7:30
Cream of Wheat Program—N. B. C	7:45
Campbell Hosiery Program	8:00
Popular Bits—N. B. C	8:15
Vermont Lumberjacks—N. B. C	8:30
Children's Program	8:45
Libby McNeil Libby—N. B. C	9:00
Reading Room	9:15
H. J. Heinz—N. B. C	9:45
Musical Appreciation—N. B. C	10:00
Bulova Time Signals	10:30
What's Good in Your Cupboard	10:31
Uptown Chicago Radio Hour	11:00
Bulova Time Signal	12:00
W P C C	12:01
Evening American News Flashes	12:30

Organ	12:45
George Devron	1:00
Washington Shirt Announcement	1:30
Publix Theatre Reporter	1:25
Organ	1:30
Bower Announcement	1:45
Studio—Television	1:46
Baby Chick Program—N. B. C	2:00
Hayes Announcement	2:15
White City Ballroom	2:16
Philharmonic Orchestra—N. B. C	2:30
Bulova Time Signal	3:00
Dancing Melodies—N. B. C	3:01
Twilight Circle—N. B. C	3:25
Atlas Announcement	4:00
White City	4:01
Studio—Television	4:15
Evening American News Flashes	4:30
Bulova Time Signal	4:59
Sign Off until 6:00	5:00
Chicago Theatre Program	6:00
Weather Report	6:10
National Battery—N. B. C	6:15
Phil Cook—N. B. C	6:30
Brown Bilt Shoes—N. B. C.	6:45
Nestle's Chocolateers—N. B. C	7:00
Jimmy Garrigan	7:30
Hayes Announcement	7:44
Craddock Terry—N. B. C	7:45
Clicquot Club Eskimos—N. B. C	8:00
Washington Shirt Program	8:30
Atlas Brewing Program	9:00
Radio Keith Orpheum—N. B. C	9:30
Bulova Time Signal	10:00
Publix Reporter's Program	10:01
Campbell Announcement	10:15
Frank Sylvano Orchestra	10:16
Bower Announcement	10:29
The First Nighter	10:30
Jimmy Garrigan	11:00
White City Ballroom	11:30
Frank Dylvano Orchestra	11:45

	Jimmy Garrigan	12:00
992	12:15 George Devron	12:15
	Organ—Welch	12:30
	Bulova Time Signal	1:00
	Frank Sylvano	1:01
	Jimmy Garrigan	1:30
	Sign Off	2:00

993 *W I B O Program Log*

560 Kilocycles—535.7 Meters.

Saturday, Nov. 22.

6:30 Uncle John	6:30
Cheerio—N. B. C.	7:30
Cream of Wheat—N. B. C.	7:45
Popular Bits—N. B. C.	8:00
Vermont Lumberjacks—N. B. C.	8:30
Childrens Program	8:45
Musical Interlude	9:00
Reading Room	9:15
Happy Home Program	9:45
Bulova Time Signal	10:30
Evening American News Flashes	10:31
Around the Home	10:45
Uptown Chicago Radio Hour	11:00
Bulova Time Signal	12:00
W P C C	12:01
Evening American News Flashes	12:30
Washington Shirt Announcement	12:45
Organ	12:46
Bulova Time Signal	1:00
George Devron's Orchestra	1:01
Football Announcement	1:14
Studio—Television	1:15
Hayes Announcement	1:29
Organ	1:30
Publix Theatre Reporter	1:45
Gootball Game	1:50
Bower Announcement	4:30
Studio—Television	4:31
Bulova Time Signal	4:59

Sign off	5:00
Organ	7:00
Publix Theatre Reporter	7:13
Bulova Time Signal	7:18
Jimmy Garrigan	7:19
Hayes Announcement	7:29
Fuller Brush—N. B. C.	7:30
General Electric Ann.	8:00
General Electric—N. B. C.	8:00½
General Electric Ann.	9:00
Henrici Announcement	9:01
Civic Opera—N. B. C.	9:01½
Henrici Announcement	10:00
Bulova Time Signal	10:01
Music Box	10:02
Weather Report	10:12
Frank Sylvano	10:15
Washington Shirt Ann.	10:30
Art Kassel	10:31
Bower Announcement	11:00
Jimmy Garrigan	11:01
White City	11:30
Frank Sylvano Orchestra	12:00
George Devro	12:15
Remington Welch—Organ	12:30
Frank Sylvano	1:00
Jimmy Garrigan	1:30
Sign off	2:00

994 *W I B O Program Log.*

560 Kilocycles—535.7 Meters.

Sunday, November 23.

Tone Pictures—N. B. C.	7:30
Swedish Services	8:00
Sign off	10:00
Popular Studio Program	10:30
Organ	12:45
Publix Theatre Reporter	1:00
Meditations of Man	1:05
B. H. Herdil Speech	1:30

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1932

No. 657

FEDERAL RADIO COMMISSION, PETITIONER

vs.

NELSON BROTHERS BOND & MORTGAGE COMPANY (STATION WIBO)

No. 658

FEDERAL RADIO COMMISSION, PETITIONER

vs.

NORTH SHORE CHURCH (STATION WPCC)

No. 659

FEDERAL RADIO COMMISSION AND JOHNSON-KENNEDY RADIO CORPORATION (STATION WJKS), PETITIONERS

vs.

NELSON BROTHERS BOND & MORTGAGE COMPANY (STATION WIBO)

No. 660

FEDERAL RADIO COMMISSION AND JOHNSON-KENNEDY RADIO CORPORATION (STATION WJKS), PETITIONERS

vs.

NORTH SHORE CHURCH (STATION WPCC)

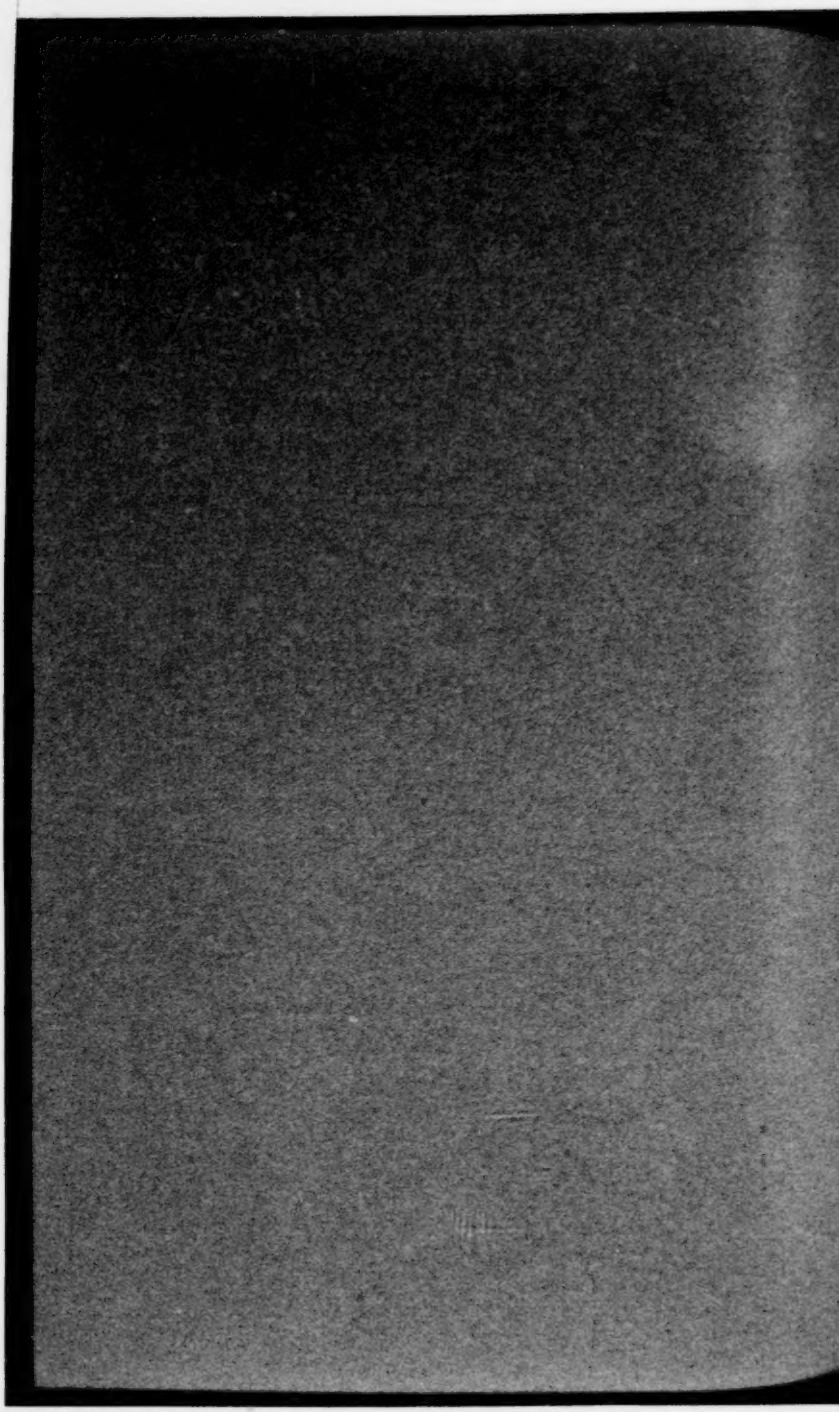
ON WRITS OF CERTIORARI TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

Volume II

PETITIONS FOR CERTIORARI FILED FEBRUARY 3, 1933

CERTIORARI GRANTED MARCH 13, 1933

(37354, 37355, 37356, 37357)



Court of Appeals of the District of Columbia

OCTOBER TERM, 1931

SPECIAL CALENDAR.

No. 5530

NELSON BROTHERS BOND & MORTGAGE COMPANY (STATION WIBO), APPELLANT,

vs.

FEDERAL RADIO COMMISSION, JOHNSON-KENNEDY RADIO CORPORATION, A CORPORATION, INTERVENER; STRAWBRIDGE & CLOTHIER, INTERVENER.

APPEAL FROM THE FEDERAL RADIO COMMISSION.

FILED OCTOBER 24, 1931.

AND

No. 5533

NORTH SHORE CHURCH (STATION WPCC), APPELLANT,

vs.

FEDERAL RADIO COMMISSION, JOHNSON-KENNEDY RADIO CORPORATION, A CORPORATION, INTERVENER; STRAWBRIDGE & CLOTHIER, INTERVENER.

APPEAL FROM THE FEDERAL RADIO COMMISSION.

FILED OCTOBER 27, 1931.

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Copeland Smith League	1:35
Art Kassel	2:30
Norwegian Serivices	3:00
W P C C	4:00
Dr. Fosdick—N. B. C.	4:30
Catholic Hour—N. B. C.	5:00
Sign Off	6:00
Popular Studio Program	7:00
Jimmy Garrigan	7:15
Chase & Sanborn Program—N. B. C.	7:30
Pennzoil Announcement	8:00
W P C C	8:01
Pennzoil Program—N. B. C.	9:15
Sign Off	9:30
Pershing Ballroom	12:00
Frank Sylvano	12:15
Organ	12:30
Jimmy Garrigan	1:00
Sign Off	1:30

995 *W I B O Program Log.*

560 Kilocycles—535.7 Meters.

Monday, Nov. 24th.

Uncle John	6:30
Cheerio—N. B. C.	7:30
Cream of Wheat—N. B. C.	7:45
Bulova Time Clock	8:00
Popular Bits—N. B. C.	8:15
Vermont Lumberjacks—N. B. C.	8:30
Childrens Program	8:45
Drug Talk—N. B. C.	9:00
Reading Room	9:15
Bulova Time Signal	9:45
Happy Home Program	9:46
Evening American News Flashes	10:30
Around the Home	10:45
Uptown Radio Hour	11:00
Bulova Time Signal	11:59
W P C C	12:00

Evening American News Flashes	12:30
Organ	12:45
Bulova Time Signal	1:00
George Devron's Orchestra	1:01
Hayes Announcement	1:24
Publix Theatre Reporter	1:25
Organ	1:30
Washington Shirt Co.	1:45
Organ	1:46
Bower Announcement	2:00
Studio—Television	2:01
White City	2:15
Chicago Serenaders—N. B. C.	2:30
Bulova Time Signal	3:00
Studio Program	3:01
Granada Program	3:30
White City	4:00
Evening American News Flashes	4:15
Studio Program—Television	4:30
Bulova Time Signal	4:59
Sign Off	5:00
Merle Thorpe—N. B. C.	7:00
Roxy Announcement	7:15
Frank Sylvano	7:15½
Schwartz Weather Report	7:30
George Devron	7:35
Organ	7:45
Bulova Time Signal	8:00
Jimmy Garrigan	8:01
Bower Announcement	8:15
Studio—Television	8:16
Publix Theatre Reporter	8:25
Giant Finger of the Air	8:30
George Devron	9:00
Hayes Announcement	9:15
White City	9:16
Orlando Van Gunten	9:30
Wa*h*sington Shirt Announcement	9:39½
Jimmy Garrigan	9:40
Bulova Time Signal	10:00
Weather Report	10:01
Music Box	10:03

	The First Nighter	10:30
	Jimmy Garrigan	11:00
	White City	11:30
996	Frank Sylvano	11:45
	Bulova Time Signal	12:00
	Jimmy Garrigan	12:01
	Geroge Devron	12:15
	Organ	12:30
	Frank Sylvano	1:00
	Jimmy Garrigan	1:30
	Sign Off	2:00

997 *W I B O Program Log.*

560 Kilocycles—535.7 Meters.

Tuesday, Nov. 25th.

Uncle John	6:25
Cheerio—N. B. C.	7:30
Cream of Wheat—N. B. C.	7:45
Bulova Time Clock	8:00
Calsodent—N. B. C.	8:15
Vermont Lumberjacks—N. B. C.	8:30
Childrens Program	8:45
Libby McNeil Libby—N. B. C.	9:00
Reading Room	9:15
H. J. Heinz—N. B. C.	9:45
Forecast School of Cookery—N. B. C.	10:00
Evening American News Flashes	10:30
Around the Home	10:45
Uptown Chicago Radio Hour	11:00
Bulova Time Sign-l	11:59
W P C C	12:00
Evening American News Flashes	12:30
Organ	12:45
Bulova Time Signal	1:00
George Devron	1:01
Hayes Announcement	1:24
Publix Theatre Reporter	1:25
Organ	1:30
Washington Shirt Announcement	1:45
George Devron	1:46

	Studio—Television	2:00
	White City Ballroom	2:15
	Chicago Serenaders—N. B. C.	2:30
	Bulova Time Signal	3:00
	Studio Program	3:01
	Bower Announcement	3:30
	Studio Program	3:31
	White City	4:00
	Evening American News Flashes	4:15
	Studio—Television	4:30
	Bulova Time Signal	4:59
	Sign Off	5:00
	Phil Cook—N. B. C.	6:30
	Curtiss Candy Co.	6:45
	Organ	6:50
	W P C C	7:00
	Bulova Time Signal	8:00
	Jimmy Garrigan	8:01
	Hayes Announcement	8:15
	Frank Sylvano	8:16
	Publix Theatre Reporter	8:25
	Continental Bakers—N. B. C.	8:30
	Enna Jettick Program—N. B. C.	9:00
	Mandel Brothers Ann.	9:15
	Rosenthal Floorwalkers	9:15½
	Lucky Strike—N. B. C.	9:30
	Bulova Time Signal	10:00
	Weather Report	10:01
	Music Box	10:03
	Washington Shirt Ann.	10:30
	Doc Rudder	10:31
	Jimmy Garrigan	11:00
998	Buy Now Announcement	11:30
	White City	11:31
	George Devron	11:45
	Bulova Time Signal	12:00
	Jimmy Garrigan	12:01
	George Devron	12:15
	Organ	12:30
	Frank Sylvano	1:00
	Jimmy Garrigan	1:30
	Sign Off	2:00

999 *W I B O Program Log.*

560 Kilocycles—535.7 Meters.

Wednesday, Nov. 26th

Uncle John	6:25
Cheerio—N. B. C.	7:30
Cream of Wheat—N. B. C.	7:45
Bulova Time Clock	8:00
Popular Bits—N. B. C.	8:15
Vermont Lumberjacks—N. B. C.	8:30
Childrens Program	8:45
Libby McNeil Libby—N. B. C.	9:00
B. & K. -hanksgiving Program	9:15
Wildroot—N. B. C.	9:45
Forecast School of*Ckko*ery—N. B. C.	10:00
Bulova Time Signal	10:30
Evening American News Flashes	10:31
Around the Home	10:45
Uptown Chicago Radio Hour	11:00
Bulova Time Signal	11:59
W P C C	12:00
Evening American News Flashes	12:30
Organ	12:45
Bulova Time Signal	1:00
George Devron	1:01
Washington Shirt Announcement	1:24
Publix Theatre Reporter	1:25
Organ	1:30
Bower Announcement	1:45
Hayes Announcement	2:00
Studio—Television	2:01
White City	2:15
Band of 1000 Melodies—N. B. C.	2:30
How to Get a Job—N. B. C.	2:45
Bulova Time Signal	3:00
Granada Golf Program	3:01
Studio—Television	3:15
Twilight Circle—N. B. C.	3:45
Buy Now Announcement	4:00
Whote City	4:01

	Evening American News Flashes	4:15
	American Football—Rally Ann.	4:30
	Dancing Melodies—N. B. C.	4:31
	Bulova Time Signal	4:59
	Sign Off	5:00
	Phil Cook—N. B. C.	6:30
	Curtis Candy Co.	6:45
	George Devron	6:50
	Christmas Program—N. B. C.	7:00
	Bulova Time Signal	7:30
	Jimmy Garrigan	7:31
	Hayes Announcement	7:45
	Frank Sylvano	7:46
	Mr. Lamount—Unemployment	8:00
	Washington Announcement	8:17
	Studio—Television	8:18
	Publix Theatre Reporter	8:25
	Giant Finger	8:30
	Bulova Time Signal	9:00
	Chicago Theatre	9:01
	Evening Amer. Football Ann.	9:29½
1000	Bower Program	9:30
	Jimmy Garrigan	9:45
	Bulova Time Signal	10:00
	Weather Report	10:01
	The First Nighter	10:03
	Canadian Pacific Program—N. B. C.	11:00
	White Coty	11:30
	Frank Sylvano	11:45
	Bulova Time Signal	12:00
	Jimmy Garrigan	12:01
	George Devron	12:15
	Organ	12:30
	Frank Sylvano	1:00
	Jimmy Garrigan	1:30
	Sign Off	2:00

1001 *W I B O Program Log.*

560 Kilocycles—535.7 Meters.

Thursday, November 27th, 1930.

	Uncle John	6:25
	Cheerio—N. B. C.	7:30

Cream of Wheat—N. B. C.	7:45
Curtiss Candy Annc.	8:00
Bulova Time Clock	8:01
Popular Bits—N. B. C.	8:15
Vermont Lumberjacks—N. B. C.	8:30
Childrens Program	8:45
Curtiss Annc.	8:59
Libby McNeil-Libby—N. B. C.	9:00
Thangsgiving Services—N. B. C.	9:15
The Recitalists—N. B. C.	10:00
Northom Warren—N. B. C.	10:30
Bulova Signal	10:45
W P C C	11:00
Bulova Time Signal	12:30
Welch	12:31
Bower Annc.	12:59
Bulova Annc.	12:59½
Devron	1:01
Reporter	1:25
Hayes Annc.	1:30
Welch	1:31
Devron	1:45
Washington Shirt Annc.	2:00
Television	2:01
White City	2:15
Studio Program	2:30
Bulova Annc.	3:00
Music Box	3:01
Television	3:30
Bulova Annc.	4:00
Sign off	4:01
Midweek Federation—N. B. C.	6:00
Welch	6:15
Phil Cook—N. B. C.	6:30
Jarman Shoe—N. B. C.	6:45
Bulova Annc.	7:00
Sylvano	7:15
B. & K. Reporter	7:25
First Nighter—N. B. C.	7:30
Dunlop Knxo—N. B. C.	8:00
National Sugar—N. B. C.	8:30
Hayes Program	9:00
B. & K. Program	9:15

Washington Shirt Annc.	9:30
Sylvano	9:31
Garrigan	9:45
Bulova Annc.	10:00
Weather Report	10:01
Music Box	10:03
Doc Rudder	10:31
Garrigan	11:00
White City	11:30
Sylvano	11:45
Bulova Annc.	12:00
Garrigan	12:01
Devron	12:15
Welch	12:30
Sylvano	1:00
Garrigan	1:30
Sign off	2:00

1092 *W I B O Program Log.*

560 Kilocycles—535.7 Meters.

Friday, November 28, 1930.

Uncle John	6:25
Cheerio—N. B. C.	7:30
Cream of Wheat—N. B. C.	7:45
Curtiss Candy Co.	8:00
Bulova Time Signal Prog.	8:01
Popular Bits—N. B. C.	8:15
Vermont Lumberjacks—N. B. C.	8:30
Children's Program	8:45
Libby McNeil—Libby—N. B. C.	9:00
Reading Room	9:15
H. J. Heinz—N. B. C.	9:45
Musical Appreciation—N. B. C.	10:00
Around the Home	10:45
Bulova Time Signal	10:59
Uptown Chicago Radio Hour	11:00
Bulova Time Signal	11:59
W P C C	12:00
News Flashes	12:30
American Football Ann-.	12:44

Welch Organ	12:45
Bulova Time Signal	1:00
Devron	1:01
Hayes Annc.	1:24
Publix Reporter	1:25
Washington Shirt Annc.	1:30
Welch Organ	1:31
White City	1:45
International Baby Chicks—N. B. C.	2:00
Television	2:15
Chicago Serenade—N. B. C.	2:30
Bulova Time Signal	3:00
Dancing Melodies—N. B. C.	3:01
Twilight Circle—N. B. C.	3:45
White City	4:00
News Flashes	4:15
Television	4:30
Bulova Annc.	4:59
Sign off	5:00
Chicago Theatre	6:00
Swartz—Weather Report	6:14
National Battery—N. B. C.	6:15
Phil Cook—N. B. C.	6:30
Brownbilt Shoes—N. B. C.	6:45
Nelstes—N. B. C.	7:00
Foreman Clark	7:30
Craddock Terry—N. B. C.	7:45
Cliquot Club—N. B. C.	8:00
Washington Shirt Program	8:30
American Football Prog.	9:00
R K O—N. B. C.	9:30
Bulova Annc.	10:00
B & K Program	10:01
Haynes Annc.	10:15
Garrigan	10:16
Sylvnao	10:30
Devron	10:45
Bulova Annc.	10:59
Garrigan—N. B. C.	11:00
White City	11:30
Sylvano	11:45
Bulova Annc.	12:00
Garrigan	12:01

Devron	12:15
Welch	12:30
Sylvnao	1:00
Garrigan	1:30
Sign off	2:00

1003 *W I B O Program Log.*

560 Kilocycles—535.7 Meters.

Saturday, November 29, 1930.

Uncle John	6:25
Cheerio—N. B. C.	7:30
Cream of Wheat—N. B. C.	7:45
Curtiss Candy Annc.	8:00
Bulova Time Clock	8:01
Popular Bits—N. B. C.	8:15
Vermont Lumberjacks—N. B. C.	8:30
Childrens Program	8:45
Curtiss Candy Annc.	8:59
Musical Interlude	9:00
Reading Room	9:15
Happy Home Program	9:45
Bulova Annc.	10:29
News Flashes	10:30
Around the Home	10:45
Uptown Chicago Radio Hour	11:00
Bulova Annc.	11:59
W P C C	12:00
News Flashes	12:30
American Football Annc.	12:44
Welch	12:45
Bulova Annc.	1:00
Devron	1:01
Washington Annc.	1:14
Television	1:15
Reporter	1:24
Hayes Anc.	1:29
Football Game	1:30
Trio Studio	4:11
White City	5:15

T-levision	4:30
Bulova Annc.	4:59
Sign Off	5:00
Welch	7:00
Hayes Annc.	7:14
R. C. A. Program—N. B. C.	7:15
Fuller Brush—N. B. C.	7:30
General Electric Annc.	8:00
General Electric Prog.—N. B. C.	8:00½
General Electric Annc.	9:00
Henrici Annc.	9:00½
Civic Opera—N. B. C.	10:00
Bulova Annc.	10:01
Reporter	10:02
Music Box	10:07
Foreman Clark Annc.	10:16
Sylvano	10:16½
Weather Report	10:30
Rudder	10:32
Bulova Annc.	11:00
Garrigan	11:01
Washington Annc.	11:30
White City	11:31
Sylvano	11:45
Bulova Annc.	12:00
Garrigan	12:01
Devron	12:15
Welch	12:30
Sylvano	1:00
Garrigan	1:30
Sign off	2:00

1004 *W I B O Program Log.*

560 Kilocycles—535.7 Meters.

Sunday, November 30th, 1930.

Tone Pictures—N. B. C.	7:30
Swedish Services	8:00
Sign off	10:00
Popular Studio	12:30

Welch	12:45
Publix Reporter	1:00
Meditations of Man	1:05
Copeland Smith League	1:30
Rudder	2:30
Norwegian Hour	3:00
W P C C	4:00
Dr. Fosdick—N. B. C.	4:30
Catholic Hour—N. B. C.	5:00
Sign off	6:00
Popular Studio	7:00
Garrigan	7:15
Chase and Sanborn—N. B. C.	7:30
Sign off	8:00
Sylvano	12:00
Welch	12:30
Garrigan	1:00
Sign off	1:30

1005 33. Do not maintain continuous watch on ship-calling channel during operative hours? Yes.

34. (*a*) Is applicant directly or indirectly interested in ownership or control of any other radio stations? Yes. (*b*) If so, state number, call letters, and location of such stations: W 9 X A O, 6312 Broadway, Chicago, Illinois.

35. State definite facts why the continued operation of the station will be in the public convenience, interest, or necessity? Because of WIBO's ever-increasing ability to bring exceptional entertaining, education and informative features to the listening publix. Toward this end WIBO's personal reputation is augmented by that of the N. B. C. and of the Chicago Evening American. (Refer to our amplification of our applicated dated 6/30/30.)

36. Applicant's most recent application for license is to be considered as part of this application and the truth of the statements therein contained is hereby reaffirmed, except in so far as the contrary expressly appears herein, and in the following particulars: Yes.

37. Applicant waives any claim to the use of any particular frequency or of the ether as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests a

renewal of applicant's existing license in accordance with this application.

Dated this 31st day of December, 1930.

W I B O RADIO STATION,
NELSON BROTHERS BOND AND
MORTGAGE COMPANY,
Applicant.

ALVIN E. NELSON,
President.

1006 STATE OF ILLINOIS,
County of Cook, ss:

Alvin E. Nelson, being first duly sworn, upon his oath deposes and says that he is the (If applicant is not an individual, state relation of affiant to applicant) President of WIBO, Nelson Brosthers Bond and Mortgage Company, above-named applicant, and that the statements in the foregoing application are true of his own knowledge, except as to such statements as are therein stated to be on information and belief, and as to such statements affiant believes them to be true.

ALVIN E. NELSON.

Subscribed and sworn to before me this 31st day of December, 1930.

[NOTARIAL SEAL.] MELVILLE C. JONES,
Notary Public.

Radio Supervisor's Report.

Application received December 30, 1930.

Remarks (state any pertinent facts): Forwarded December 30, 1930.

H. D. HAYES,
U. S. Supervisor of Radio.

1007 APP. EXHIBIT 7.

1008 Form No. 37-B.

Federal Radio Comm. Mar. 18, 1931. Received 1st Mail, Mail and Files.

File No.: ——. Official No.: ——. Call Letters: WPCC. Class of Service: ——.

UNITED STATES OF AMERICA:

Federal Radio Commission.

Application for Renewal of Radio Broadcasting Station License.

(Submit in duplicate to District Supervisor of Radio in charge of District in which station is located. Swear to one copy.)

To the Federal Radio Commission:

1. Name of applicant:* North Shore Church.

2. Post-office address: State, Illinois; City, Chicago; Street and number, 1011 Wilson Avenue.

3. Citizenship: (U. S. A.) American.

4. State whether applicant is a corporation, partnership, or association: A non-dividend-paying religious corporation.

5. If applicant is a corporation, state (*a*) Under laws of what State it is organized: Illinois; (*b*) May more than one-fifth of capital stock be voted by aliens or their representatives, or by a foreign government or representative thereof? No capital stock; (*c*) Is any director or officer an alien? If so, state his name and position: No; (*d*) If appli-

* If a corporation, state corporate name; if a partnership, state names of all partners and the name under which the partnership does business; if an unincorporated association, state the name of an executive officer, the office held by him, and the name of the association. The same name or names should be signed in the place provided at the end of application, except that in the case of a partnership the application may be signed in the name of the partnership by one of the partners. This application must be executed and signed in the name which appears on the license for which renewal is requested, unless there has been an assignment of the license with the written consent of the Commission.

cant is a subsidiary, state name and address of parent company and under laws of what State or country parent company is organized: No; (*c*) Whether stock is to be sold for the purpose of raising money to operate station: No capital stock, organized for benevolent purposes.

1009 6. State fully the facts showing applicant's financial responsibility with respect to operation of this station: We have property valued at $750,000 and have sufficient income for radio upkeep.

7. Is applicant a representative of an alien or foreign Government? No.

8. Has the applicant, since February 23, 1927, been finally adjudged guilty by any Federal court of unlawfully monopolizing, or attempting unlawfully to monopolize, radio communication through control of manufacture or sale of radio apparatus, exclusive traffic arrangements, or any other means, or of unfair methods of competition? No.

9. State applicant's relation to station (whether applicant is owner or lessee, and if not, nature of applicant's interest in use and control of station): Owner.

10. If applicant is not owner of station, who is? ——.

11. File number and date of license sought to be renewed: 4-R-B-556, April 30, 1931.

12. The existing license authorizes the use of: (*a*) Frequency, 560 kilocycles; (*b*) Power output for daytime operation, 500 watts; Nighttime, 500 watts; (*c*) Hours of operation, Sun. 10-12:30 A. M., 6-7 P. M., 8-12 P. M.; (*d*) Call letters, WPCC.

13. Under existing license, state (*a*) Average per cent of time weekly, devoted to following services: (1) Entertainment, Some Features; (2) Religious, Wholly Religious; (3) Commercial, ——; (4) Educational, Programs have educational value; (5) Agricultural, ——; (6) Fraternal, ——; (7) ——; (*b*) Average number of hours per month station has operated during present license period: 50; (*c*) Does applicant sell time? No; (*d*) If applicant does not sell time, how is station supported? By church budget and some free-will offerings; (*e*) Number of weekly hours of sponsored programs is: None; of direct advertising programs is: None; (*f*) Are merchandise prices quoted in interest of applicant? No; or others? No; (*g*) Aver-

1010 age number of hours sold weekly before 6 p. m.: none; after 6 p. m., none; (*h*) Average number of hours

used weekly in interest of applicant: 12; (*i*) Average amount of money spent weekly for talent: Several Hundred dollars; (*j*) Total monthly net income, Church and Radio, $3,000.00.

14. Description of transmitting apparatus. (If more than one transmitter is to be used, the following information should be submitted separately for each such transmitter): (*a*) Make, Composite; (*b*) Type, V. T.; (*c*) Manufacturer's serial number, ——; (*d*) Oscillator: Type of circuit, Crystal; Number of tubes, 1; Plate current (per tube), 40 mils.; Plate voltage, 350; (*e*) Number of intermediate power amplifier stages (if any), 3; (*f*) Power amplifier, if used (last stage): Number of tubes, 1; Normal operating: Plate current (per tube), .375; Plate voltage, 4,000; Manufacturer's rating of tubes: Plate current, 1.5; Plate voltage, 5,000; Power output, 5,000 watts; (*g*) Modulator: Number of tubes, 1; Plate current (per tube), .125 amp.; Plate voltage, 1,500: Which radio stage is modulated? Second (50 watt); (*h*) Maximum power output, 500 watts. Minimum power output for satisfactory operation, 300 watts. Normal radiated power, 210 meter amperes. Height of antenna (from its ground or counterpoise to highest point of antenna), 30 meters. Antenna current (at base), 7 amperes; (*i*) Plate power supply source for last stage, Motor Generator; Ratings (voltage and current), 5,000 volt, 3 ampere; What is maximum percentage of modulation? 80-90; Modulation measuring device is Mod. tube plate meter & V. T. V. M.

15. (*a*) Type of antenna, Inverted L; (*b*) Height of vertical lead, 75 feet; (*c*) Length of flat top (if any), 125 feet; (*d*) Counterpoise, type, and dimensions, none; (*e*) Distance between towers or antenna supports, 150 feet; (*f*) Resistance of antenna system, 10 ohms; (*g*) Date apparatus was installed, June, 1924.

1011 16. (*a*) The applicant represents that the attached is an accurate schematic diagram of the fundamental radio and audio circuit of the transmitter, including antenna and ground or counterpoise connections, antenna feed system, and that it indicates type and power of tubes with manufacturer's name. (This should be a blue print or ink drawing, approximately the size of this application, or a complete schematic diagram of any size applicant has on file may be submitted.) (*b*) Speech input equipment: Make,

Composite; Type, ——; Audio monitoring device, Speaker on Audio & Radio & V. T. V. M.

17. (*a*) Within how many cycles of assigned frequency will frequency of transmitter be maintained continuously? 50 c.; (*b*) State what apparatus is included as an integral part of the transmitter that will automatically hold frequency within the limits specified in answer to 17 (*a*) (such as quartz crystal): Quartz Crystal. If crystal is used, state whether or not crystal has automatic temperature control: Yes; If not, why not? ——.

18. (*a*) What type of frequency measurement or calibration apparatus will be used to tune the transmitter or check its tuning? Crystal Oscillator; (*b*) Within how many cycles will this apparatus measure the frequency? 50 c.; (*c*) What methods will be used to check the calibration of this precision instrument? Send to manufacturer; (*d*) How often is this instrument checked? Twice Yearly.

19. Location of transmitter: State, Illinois; County, Cook; City or town, Chicago; Street and number, 1011 Wilson Ave.; Latitude: Degrees, 41°; minutes, 57; seconds, 55; Longitude: Degrees, 87; minutes, 39; seconds, 18.

20. Description of auxiliary transmitting apparatus, if any: (1) Make, ——; (2) Type, ——; (3) Manufacturer's serial number, ——.

21. Location of auxiliary transmitter: State, ——; County, ——; City or town, ——; Street and number, 1012 ——. Latitude: Degrees, ——; minutes, ——; seconds, ——; Longitude: Degrees, ——; minutes, ——; seconds, ——.

22. Location of main studio: State, Illinois; County, Cook; City or town, Chicago; Street and number, 1011 Wilson Ave.; Other studios, ——.

23. Has any change in location of either transmitter or main studio been made during present license period? No; If so, what change? ——.

24. Number of persons residing within various distances of transmitter: (*a*) For stations of all powers, give number of persons residing within 1 mile, several thousand; 2 miles, perhaps 30,000; 3 miles, about 60,000; (*b*) For all stations of power above 1 KW., give in addition to above the number of persons residing within 5 miles, ——; 8 miles, ——.

25. (*a*) The following radio transmitting stations (by call letters) are located within 1 mile of location of transmitter: None; 2 miles, None; 3 miles, WCRW—WKBI, 3-4 miles; 8 miles, None; (*b*) The following radio non-broadcasting (commercial or Government) receiving stations are located within 1 mile of the location of transmitter: None; 2 miles, None; 3 miles, None; 8 miles, WGO we believe.

26. (*a*) Name and give location of any airports or flying fields within 10 miles of transmitter: We know of none. (*b*) Give distance from transmitter to each of such airports or flying fields: ——. (*c*) Name and give distance from transmitter to any established airways within 10 miles of location of transmitter: We know of none. (*d*) Give maximum height (in feet) of towers or antenna above ground level: 100. (*e*) Are towers painted and marked with signal lights to conform with Department of Commerce, Bureau of Aeronautics, specifications? Towers are below surrounding buildings.

1013

27. Specify actual periods station has been operated since effective date of existing license:

Our hours of operation are designated in our license.

	A. M.	P. M.	Total daily hours
Sunday	10–12:30	6–7, 8–12	8
		Over WIBO 4:00–4:30	1
		7–7:30	
Monday	12–12:30	7:30–8	
Tuesday	Over 12–12:30		1
Wednesday	WIBO 12–12:30		½
Thursday	12–12:30		½
Friday	12–12:30		½
Saturday	12–12:30		½
Total weekly hours			12

28. Does station divide time? Yes. If so, with what station? WIBO, WISJ.

29. State average number of hours per month station will be operated during each month in the summer: 50; Each month in the winter, 50.

30. Does station obtain programs from what is known as a "chain?" No. (*a*) Name of chain: ——. (*b*) What is total hours per week of chain programs (i. e., programs, both paid or sustaining, which are duplicated by any other station)? None.

31. (*a*) Attach printed program for week last preceding date of this application. (*b*) Are phonographic or mechanical reproductions used? Yes. If so, how are they announced? As phonograph records.

32. Give names and classes of licensed operators in charge of station: Charles F. Baker, Commercial, Second Class, April 18, 1930, #4446. (*a*) Number of other employees: 4; (*b*) Total weekly pay roll, $ Several hundred.

1014 33. Do you maintain continuous watch on ship-calling channel during operative hours? Yes.

34. (*a*) Is applicant directly or indirectly interested in ownership or control of any other radio stations? No. (*b*) If so, state number, call letters, and location of such stations: ——.

35. State definite facts why the continued operation of the station will be in the public convenience, interest, or necessity? Our program is a message of necessity to all, of convenience and interest to many; singing and speaking principally.

36. Applicant's most recent application for license is to be considered as part of this application and the truth of the statements therein contained is hereby reaffirmed, except in so far as the contrary expressly appears herein, and in the following particulars: All reaffirmed.

37. Applicant waives any claim to the use of any particular frequency or of the ether as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests a renewal of applicant's existing license in accordance with this application.

Dated this — day of ——, 193-.

—— ——,
Applicant.

1015 & 1016 STATE OF ILLINOIS,
County of Cook, ss:

John C. O'Hair, being first duly sworn, upon his oath, deposes and says that he is the (If applicant is not an individual, state relation of affiant to applicant) Agent for WPCC Radio Station above-named applicant and that the statements in the foregoing application are true of his own

knowledge, except as to such statements as are therein stated to be on information and belief, and as to such statements affiant believes them to be true.

JOHN C. O'HAIR.

Subscribed and sworn to before me this 16 day of March, 1931.

[NOTARIAL SEAL.] LICO K. STANTON,
Notary Public.

Radio Supervisor's Report.

Application received —— —, ——.
Remarks (state any pertinent facts) : ——.

1017 Original.

Form No. 37-B.

Department of Commerce, U. S. Supervision of Radio, Chicago, Ill. Received Dec. 29, 1930.

Federal Radio Commission. Jan. 2, 1931.

File No.: S. B. 581. Official No.: 581. Call Letters: WEHS. Class of Service: Broadcast.

UNITED STATES OF AMERICA:

Federal Radio Commission.

Application for Renewal of Radio Broadcasting Station License.

(Submit in duplicate to District Supervisor of Radio in charge of District in which station is located. Swear to one copy.)

Jan. 5, 1931.

To the Federal Radio Commission:

1. Name of applicant:* WEHS, Inc.

* If a corporation, state corporate name; if a partnership, state names of all partners and the name under which the partnership does business; if an unincorporated association, state the name of an executive officer, the office held by him, and the name of the association. The same name or names should be signed in the place provided at the end of application, except that in the case of a partnership the application may be signed in the name of the partnership by one of the partners. This application must be executed and signed in the name which appears on the license for which renewal is requested, unless there has been an assignment of the license with the written consent of the Commission.

2. Post-office address: State, Illinois; City, Cicero; Street and number, 6138 West 22nd Street.

3. Citizenship: An Illinois Corporation.

4. State whether applicant is a corporation, partnership, or association: Corporation.

5. If applicant is a corporation, state (*a*) Under laws of what State it is organized: Illinois. (*b*) May more than one-fifth of capital stock be voted by aliens or their representatives, or by a foreign government or representative thereof? No. (*c*) Is any director or officer an alien? If so, state his name and position: No. (*d*) If applicant is a subsidiary, state name and address of parent company and under laws of what State or country parent company is organized: Not a subsidiary. (*e*) Whether stock is to be sold for the purpose of raising money to operate station: No.

1018-1021 6. State fully the facts showing applicant's financial responsibility with respect to operation of this station: Applicant has more than adequate fully paid capital, and its stockholders are able and willing to furnish as much more as may be necessary if and when there is occasion therefor.

7. Is applicant a representative of an alien or foreign Government? No.

8. Has the applicant, since February 23, 1927, been finally adjudged guilty by any Federal court of unlawfully monopolizing, or attempting unlawfully to monopolize, radio communication through control of manufacture or sale of radio apparatus, exclusive traffic arrangements, or any other means, or of unfair methods of competition? No.

9. State applicant's relation to station (whether applicant is owner or lessee, and if not, nature of applicant's interest in use and control of station): Lessee.

10. If applicant is not owner of station, who is? Triangle Broadcasters.

11. File number and date of license sought to be renewed: 4-R-B-581 October 6, 1930.

12. The existing license authorizes the use of (*a*) Frequency, 1420 kilocycles. (*b*) Power output for daytime operation, 100 watts; Nighttime, 100 watts. (*c*) Hours of operation, Dividing time with WHFC and WKBI. (*d*) Call letters, WEHS.

13. Under existing license, state (*a*) Average per cent of time weekly, devoted to following services: (1) Entertainment, 83%; (2) Religious, ——; (3) Commercial, ——; (4) Educational, 17%; (5) Agricultural, ——; (6) Fraternal, ——; (7) ——.

1022 (*c*) Name and give distance from transmitter to any established airways within 10 miles of location of transmitter: Routes 3, 2, 9, 17, 18, 24, and 30 all come in at the Municipal Airport, 63d & Cicero Ave., Chicago—7 miles from transmitter.

(*d*) Give maximum height (in feet) of towers or antenna above ground level: 110.

(*e*) Are towers painted and marked with signal lights to conform with Department of Commerce, Bureau of Aeronautics, specifications? Yes.

27. Specify actual periods station has been operated since effective date of existing license:

	A. M.	P. M.	Total daily hours
Sunday		4-8	4
Monday		4-6	2
Tuesday		4-6	2
Wednesday		4-6	2
Thursday		4-6	2
Friday		4-6	2
Saturday		4-6	2
Total weekly hours			16

28. Does station divide time? Yes. If so, with what station? WHFC, WKBI.

29. State average number of hours per month station will be operated during each month in the summer: 69⅓. Each month in the winter: 69⅓.

30. Does station obtain programs from what is known as a "chain?" No.

(*a*) Name of chain: None.

(*b*) What is total hours per week of chain programs (i. e., programs, both paid or sustaining, which are duplicated by any other station?)

31. (*a*) Attach printed program for week last preceding date of this application. See Exhibit "A" attached.

1023 EXHIBIT "A".

Station WEHS.

Thursday, Dec. 25.

P. M.
4:00—Vocal Talent.
4:30—Popular Program.
5:00—Studio Program.

Friday, Dec. 26.

P. M.
4:00—Vocal Talent.
4:30—Variety Program.
5:00—Popular Program.

Saturday, Dec. 27.

P. M.
4:00—Vocal Talent.
5:00—Popular Program.
6:00—Variety Program.

Sunday, Dec. 28.

P.M.
4:00—Vocal Talent.
5:00—Popular Program.
6:00—Dinner Hour Program.
7:00—Better Music Program.

Monday, Dec. 29.

P. M.
4:00—Vocal Talent.
4:30—Popular Program.
5:00—Studio Program.

Tuesday, Dec. 30.

P. M.
4:00—Vocal Talent.
4:30—Variety Program.
5:00—Popular Program.

1024-1026 35. State definite facts why the continued operation of the station will be in the public convenience, interest, or necessity? Programs are of unusually good quality with high-class talent. Matters of local interest, political, educational, etc., are broadcast by the station. If arrangement with WHFC is made permanent, station will round out service given by WHFC.

1027 **Form No. 37-B**

Department of Commerce, U. S. Supervision of Radio, Chicago, Ill. Received Dec. 24, 1930.

Federal Radio Commission. Dec. 24, 1930.

File No: ——. Official No. 562. Call Letters: KYW-KFKX: Class of Service Broadcast.

UNITED STATES OF AMERICA:

Federal Radio Commission.

Application for Renewal of Radio Broadcasting Station License.

(Submit in duplicate to District Supervisor of Radio in Charge of District in which station is located. Swear to one copy.)

To the Federal Radio Commission:

1. Name of applicant:* Westinghouse Electric and Manufacturing Company.

2. Post-office address: State, Pennsylvania; City, East Pittsburgh; Street and number, 700 Braddock Avenue.

3. Citizenship: Corporation.

4. State whether applicant is a corporation, partnership, or association: Corporation.

* If a corporation, state corporate name; if a partnership, state names of all partners and the name under which the partnership does business; if an unincorporated association, state the name of an executive officer, the office held by him, and the name of the association. The same name or names should be signed in the place provided at the end of application, except that in the case of a partnership the application may be signed in the name of the partnership by one of the partners. This application must be executed and signed in the name which appears on the license for which renewal is requested, unless there has been an assignment of the license with the written consent of the Commission.

5. If applicant is a corporation, state (*a*) Under laws of what State it is organized: Pennsylvania. (*b*) May more than one-fifth of capital stock be voted by aliens or their representatives, or by a foreign government or representative thereof? No. (*c*) Is any director or officer an alien? If so, state his name and position: None. (*d*) If applicant is a subsidiary, state name and address of parent company and under laws of what State or country parent company is organized: Not a subsidiary. (*e*) Whether stock is to be sold for the purpose of raising money to operate station. No.

1028-1031 6. State fully the facts showing applicant's financial responsibility with respect to operation of this station: The current financial statement of Westinghouse Electric & Manufacturing Co.

7. Is applicant a representative of an alien or foreign Government? No.

8. Has the applicant, since February 23, 1927, been finally adjudged guilty by any Federal court of unlawfully monopolizing, or attempting unlawfully to monopolize, radio communication through control of manufacture or sale of radio apparatus, exclusive traffic arrangements, or any other means, or of unfair methods of competition? No.

9. State applicant's relation to station (whether applicant is owner or lessee, and if not, nature of applicant's interest in use and control of station): Owner.

10. If applicant is not owner of station, who is?

11. File number and date of license sought to be renewed: #562—Oct. 6, 1930 4-R-B-562.

12. The existing license authorizes the use of: (*a*) Frequency, 1020 kilocycles. (*b*) Power output for daytime operation, 10,000 watts; Nighttime, 10,000 watts. (*c*) Hours of operation, Unlimited, with KFKX. (*d*) Call letters, KYW-KFKX.

13. Under existing license, state (*a*) Average per cent of time weekly, devoted to following services: (1) Entertainment, appr. 45 hrs.; (2) Religious, appr. 9 hrs.; (3) Commercial, appr. 50 hrs; (4) Educational, appr. 15 hrs; (5) Agricultural, appr. 18 hrs.; (6) Fraternal, ——; (7) ——; (*b*) Average number of hours per month station has operated during present license period appr. 570.

1032-1035 27. Specify actual periods station has been operated since effective date of existing license:

	A. M.	P. M.	Total daily hours
Sunday appr.	10:00-12:00	12:00-12:00 N.	15
Monday "	7:00-12:00	12:00- 2:00 A.M.	19
Tuesday "	" "	" "	19
Wednesday "	" "	" "	19
Thursday "	" "	" "	19
Friday "	" "	" "	19
Saturday "	" "	" "	19
Total weekly hours			133 appr.

28. Does station divide time? Yes. If so, with what station? KFKX.

29. State average number of hours per month station will be operated during each month in the summer: appr. 600; Each month in the winter, appr. 600.

30. Does station obtain programs from what is known as a "chain?" Yes. (*a*) Name of chain, National Broadcasting Co., Blue and Red Networks; (*b*) What is total hours per week of chain programs (i. e., programs, both paid or sustaining, which are duplicated by any other station)? appr. 40.

31. (*a*) Attach printed program for week last preceding date of this application.

1036-1038 35. State definite facts why the continued operation of the station will be in the public convenience, interest, or necessity? Station rendering a complete, well rounded service covering all accepted phases of good broadcasting. Equipment is of latest design and maintained in best condition at all times.

1039 Department of Commerce, U. S. Supervisor of Radio, Chicago, Ill. Received Jan 2, 1931.

Federal Radio Commission. Jan. 6, 1931.

File No. ——. Official No.: 594. Call Letters: WJJD. Class of Service: ——.

Jan. 19, 1931.

UNITED STATES OF AMERICA:

Federal Radio Commission.

Application for Renewal of Radio Broadcasting Station License.

(Submit in duplicate to District Supervisor of Radio in charge of District in which station is located. Swear to one copy.)

To the Federal Radio Commission:

1. Name of applicant*: Supreme Lodge of the World—Loyal Order of Moose.

2. Post-office address: State, Illinois; City, Mooseheart; Street and number, ——.

3. Citizenship: U. S.

4. State whether applicant is a corporation, partnership, or association: Corporation.

5. If applicant is a corporation, state (*a*) Under laws of what State it is organized: Indiana. (*b*) May more than one-fifth of capital stock be voted by aliens or their representatives, or by a foreign government or representative thereof? No. (*c*) Is any director or officer an alien? If so, state his name and position: No. (*d*) If applicant is a subsidiary, state name and address of parent company and under laws of what State or country parent company is organized: No. (*e*) Whether stock is to be sold for the purpose of raising money to operate station. No.

1040-1043

6. State fully the facts showing applicant's financial responsibility with respect to operation of this station: Loyal Order of Moose, Net Assets $44,000,000.00.

7. Is applicant a representative of an alien or foreign Government? No.

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* If a corporation, state corporate name; if a partnership, state names of all partners and the name under which the partnership does business; if an unincorporated association, state the name of an executive officer, the office held by him, and the name of the association. The same name or names should be signed in the place provided at the end of application, except that in the case of a partnership the application may be signed in the name of the partnership by one of the partners. This application must be executed and signed in the name which appears on the license for which renewal is requested, unless there has been an assignment of the license with the written consent of the Commission.

8. Has the applicant, since February 23, 1927, been finally adjudged guilty by any Federal court of unlawfully monopolizing, or attempting unlawfully to monopolize, radio communication through control of manufacture or sale of radio apparatus, exclusive traffic arrangements, or any other means, or of unfair methods of competition? No.

9. State applicant's relation to station (whether applicant is owner or lessee, and if not, nature of applicant's interest in use and control of station): Owner.

10. If applicant is not owner of station, who is? ——.

11. File number and date of license sought to be renewed: 594, October 24, 1930.

12. The existing license authorizes the use of (*a*) Frequency, 1130 kilocycles. (*b*) Power output for daytime operation, 20,000 watts; Nighttime, 20,000 watts. (*c*) Hours of operation, 7:00 A. M. to 8:30 P. M. (*d*) Call letters, WJJD.

13. Under existing license, state (*a*) Average per cent of time weekly, devoted to following services: (1) Entertainment, 61; (2) Religious, 4; (3) Commercial, 12; (4) Educational, 14; (5) Agricultural, 5; (6) Fraternal, 4; (7) ——. (*b*) Average number of hours per month station has operated during present license period: 420. (*c*) Does applicant sell time? Yes. (*d*) If applicant does not sell time, how is station supported? Loyal Order of Moose and Palmer House. (*e*) Number of weekly hours of sponsored programs is 12; of direct advertising programs is None. (*f*) Are merchandise prices quoted in interest of applicant? No; or others? No.

1044 27. Specify actual periods station has been operated since effective date of existing license:

	A. M.		P. M.		Total daily hours
Sunday	7:30—Noon		Noon—8:30	P. M.	13
Monday	7:00—Noon		"	"	13½
Tuesday	"	"	"	"	"
Wednesday	"	"	"	"	"
Thursday	"	"	"	"	"
Friday	"	"	"	"	"
Saturday	"	"	"	"	"
Total weekly hours					94

28. Does station divide time? Limited Time. If so, with what station? KSL.

29. State average number of hours per month station will be operated during each month in the summer: 420; Each month in the winter, 420.

30. Does station obtain programs from what is known as a "chain?" Yes. (*a*) Name of chain: Columbia Broadcasting System and Quality Group WLW-WOR-WJJD. (*b*) What is total hours per week of chain programs (i. e., programs, both paid or sustaining, which are duplicated by any other station)? None.

31. (*a*) Attach printed program for week last preceding date of this application.

1045 Department of Commerce, U. S. Supervisor of Radio, Chicago, Ill. Received Jan. 2, 1931.

Advance Program Schedule.

Subject to Change.

WJJD.

Sunday, December 21st, 1930.

A. M.

7.20 Mooseheart Catholic Services.
9.45 Mooseheart Protestant Services.
10:30 Happy-Go-Lucky Time.
10.59¼ Elgin Time Signals.
11.00 Happy-Go-Lucky Time.
11.59¼ Elgin Time Signals.
12.00 Happy-Go-Lucky Time.

P. M.

12.30 Polish Program.
12.59¼ Elgin Time Signals.
1.00 Jewish Program.
1.59¼ Elgin Time Signals.
2.00 Mooseheart Children.
2.59¼ Elgin Time Signals.
3.00 Mooseheart Children.
3.30 Chicago Gospel Tabernacle.
3.59¼ Elgin Time Signals.
4.00 Chicago Gospel Tabernacle.

4.59¼ Elgin Time Signals.
5.00 White City.
5.59¼ Elgin Time Signals.
6.00 WJJD Dance Orchestra.
6.15 Empire Room.
6.30 Household Finance Company.
6.59¼ Elgin Time Signals.
7.00 Chicago Gospel Tabernacle.
7.59¼ Elgin Time Signals.
8.00 Moose Program.
8.28 Sign Off with Station Announcement.
8.29¼ Elgin Time Signals.

1046 *Advance Program Schedule.*

Subject to Change.

WJJD.

Monday, December 22nd, 1930.

A. M.
7.58 Opening Announcement.
7.59¼ Elgin Time Signals.
8.00 Recordings and Announcements.
8.59¼ Elgin Time Signals.
9.00 Recordings and Announcements.
9.59¼ Elgin Time Signals.
10.00 Columbia Chain—Majestic Household.
10.14¾ Marco Fur Announcement.
10.15 Howard L. Peterson—Organ.
10.30 Howard L. Peterson—Organ.
10.45 Special Recordings.
10.59¼ Elgin Time Signals.
11.00 Special Recordings.
11.14¾ Marco Fur Announcement.
11.15 Young Mothers' Club.
11.29 Barts Announcement.
11.30 Columbia Chain—Columbia Revue.
11.45 Wilson Hostess.
11.59¼ Elgin Time Signals.
12.00 Household—Musical Program.
P. M.
12.15 Illinois Agricultural Association.

12.30 Barts Announcement.
12.31 Palmer House String Ensemble.
12.45 Jean & Charley and U. S. Agricultural Reports.
12.59¼ Elgin Time Signals.
1.00 National Air Line Association.
1.05 Palmer House String Ensemble.
1.15 Columbia Chain.
1.30 Palmer House Empire Room.
1.45 Phil Warner—Piano Improvisations.
1.59¼ Elgin Time Signals.
2.00 Howard L. Peterson—Afternoon Organ Recital.
2.15 Howard L. Peterson—Afternoon Organ Recital.
2.30 Sunshine for Shut-ins.
2.45 Sunshine for Shut-ins.
2.59¼ Elgin Time Signals.
3.00 Columbia Chain—U. S. Army Band.
3.15 Columbia Chain—U. S. Army Band.
3.30 WJJD Dance Orchestra.
3.45 WJJD Dance Orchestra.
3.59¼ Elgin Time Signals.
4.00 Mooseheart Educational Program.
4.15 Mooseheart Educational Program.
4.30 Palmer House—Mezzanine Trio.
4.40 Wilson and Company Tea Tunes.
4.59¼ Elgin Time Signals.
5.00 Five-O Club.
5.15 White City Marathon.
5.20 Twilight Melodies—Avis Fisk and Howard L. Peterson.
5.30 Twilight Melodies—Avid Fisk and Howard L. Peterson.
5.45 Columbia Chain—Tony's Scrap Book.
5.59¼ Elgin Time Signals.
6.00 WJJD Sports Reel—Rocky Wolfe.
6.15 White City Marathon.
6.25 The Victorians—Dance Music.
6.30 Wilson and Company Dinner Concert.
6.45 Wilson and Company Dinner Concert.
6.59¼ Elgin Time Signals.
7.00 WJJD Dance Orchestra.
7.14 Eitel Restaurant Announcement.
7.15 Columbia Chain—Columbia Revue.

7.30 Litt Announcement.
7.31 Palmer House Empire Ensemble.
7.45 Husk O'Hare Dance Orchestra.
7.59¼ Elgin Time Signals.
8.00 Household Finance Corporation—Musical Program.
8.15 Household Finance Corporation—Musical Program.
8.28 Sign Off with Station Announcement.
8.29¼ Elgin Time Signals.

1047 *Advance Program Schedule.*

Subject to Change.

WJJD.

Tuesday December 23rd, 1930.

A. M.
7.58 Opening Announcement.
7.59¼ Elgin Time Signals.
8.00 Recordings and Announcements.
8.59¼ Elgin Time Signals.
9.00 Recordings and Announcements.
9.59¼ Elgin Time Signals.
10.00 Special Recordings.
10.14¾ Marco Fur Announcement.
10.15 Columbia Chain—Famous Folk.
10.30 Howard L. Peterson—Organ.
10.45 Howard L. Peterson—Organ.
10.59¼ Elgin Time Signals.
11.00 Columbia Chain—Tremains Orchestra.
11.14¾ Marco Fur Announcement.
11.15 Young Mothers' Club.
11.29 Barts Announcement.
11.30 Columbia Chain—Columbia Revue.
11.45 Wilson Hostess.
11.59¼ Elgin Time Signals.
12.00 Household—Musical Program.
P. M.
12.15 Illinois Agricultural Association.
12.30 Barts Announcement.
12.31 Palmer House String Ensemble.
12.45 Federation of Women's Clubs & Jean and Charley.
12.59¼ Elgin Time Signals.

1.00 National Air Line Association.
1.05 Palmer House String Ensemble.
1.15 Columbia Chain—Strollers Quartette.
1.30 Palmer House Empire Room.
1.45 Phil Warner—Piano Improvisations.
1:59¼ Elgin Time Signals.
2.00 Howard L. Peterson—Afternoon Organ Recital.
2.15 Howard L. Peterson—Afternoon Organ Recital.
2.30 Sunshine for Shut-ins.
2.45 Sunshine for Shut-ins.
2.59¼ Elgin Time Signals.
3.00 Columbia Chain—Italian Idyll.
3.15 Columbia Chain—Italian Idyll.
3.30 WJJD Dance Orchestra.
3.45 WJJD Dance Orchestra.
3.59¼ Elgin Time Signals.
4.00 Mooseheart Educational Program.
4.15 Mooseheart Educational Program.
4.30 Palmer House—Mezzanine Trio.
4.40 Wilson and Company Tea Tunes.
4.59¼ Elgin Time Signals.
5.00 Five-O Club.
5.15 White City Marathon.
5.20 Twilight Melodies—Avis Fisk and Howard L. Peterson.
5.30 Twilight Melodies—Avis Fisk and Howard L. Peterson.
5.45 Columbia Chain—Tony's Scrap Book.
5.59¼ Elgin Time Signals.
6.00 WJJD Sports Reel—Rocky Wolfe.
6.15 White City Marathon.
6.25 The Victorians—Dance Music.
6.30 Columbia Chain—Musical Aviators.
6.45 The Victorians—Dance Music.
6.59¼ Elgin Time Signals.
7.00 Musical Moments—Grace Jane Prince.
7.15 Governor's Commission for Relief.
7.30 Palmer House Empire Ensemble.
7.45 Litt Jewelry Program.
7.59¼ Elgin Time Signals.
8.00 Quality Group WLW—WOR—WJJD—Old Gold Numerologist.

8.15 WJJD Dance Orchestra.
8.20 Eitel Doughboys.
8.28 Sign Off with Station Announcement.
8.29¼ Elgin Time Signals.

1048 *Advance Program Schedule.*

Subject to Change.

WJJD.

Wednesday, December 24th, 1930.

A. M.
7.58 Opening Announcement.
7.59¼ Elgin Time Signals.
8.00 Recordings and Announcements.
8.59¼ Elgin Time Signals.
9.00 Recordings and Announcements.
9.59¼ Elgin Time Signals.
10.00 Special Recording O. B. C. T.
10.14¾ Marco Fur Announcement.
10.15 Columbia Chain—Ben and Helen.
10.30 Columbia Chain—Ida Bailey Allen.
10.45 Columbia Chain—Interior Decorating.
10.59¼ Elgin Time Signals.
11.00 Columbia Chain—Tremains Orchestra.
11.14¾ Marco Fur Announcement.
11.15 Young Mothers' Club.
11.29 Barts Announcement.
11.30 Columbia Chain—Columbia Revue.
11.45 Wilson Hostess.
11.59¼ Elgin Time Signals.
12.00 Household—Musical Program.
P. M.
12.15 Illinois Agricultural Association.
12.30 Barts Announcement.
12.31 Palmer House String Ensemble.
12.45 Illinois State Medical Association.
12.59¼ Elgin Time Signals.
1.00 National Air Line Association.
1.05 Palmer House String Ensemble.

1.15 Columbia Chain—Little Symphony.
1.30 Palmer House Empire Room.
1.45 Phil Warner—Piano Improvisations.
1.59¼ Elgin Time Signals.
2.00 Howard L. Peterson—Afternoon Organ Recital.
2.15 Howard L. Peterson—Afternoon Organ Recital.
2.30 Sunshine for Shut-ins.
2.45 Sunshine for Shut-ins.
2.59¼ Elgin Time Signals.
3.00 Columbia Chain—Musical Album.
3.15 Columbia Chain—Musical Album.
3.30 WJJD Dance Orchestra.
3.45 WJJD Dance Orchestra.
3.59¼ Elgin Time Signals.
4.00 Mooseheart Educational Program.
4.15 Mooseheart Educational Program.
4.30 Palmer House—Mezzanine Trio.
4.40 Wilson and Company Tea Tunes.
4.59¼ Elgin Time Signals.
5.00 Five-O Club.
5.15 White City Marathon.
5.20 Twilight Melodies—Avis Fisk and Howard L. Peterson.
5.30 Twilight Melodies—Avis Fisk and Howard L. Peterson.
5.45 Columbia Chain—Tony's Scrap Book.
5.59¼ Elgin Time Signals.
6.00 WJJD Sports Reel—Rocky Wolfe.
6.15 White City Marathon.
6.25 The Victorians—Dance Music.
6.30 Palmer House String Ensemble.
6.45 WJJD Salon Ensemble.
6.59¼ Elgin Time Signals.
7.00 Musical Moments—Grace Jane Prince.
7.14 Eitel Restaurant Announcement.
7.15 Columbia Chain—U. S. Marine Band.
7.30 Litt Announcement.
7.31 Palmer House String Ensemble.
7.45 Husk O'Hare Dance Orchestra.
7.59¼ Elgin Time Signals.
8.00 Wilson and Company Mystery Drama.
8.15 Wilson and Company Mystery Drama.

8.28 Sign Off with Station Announcement.
8.29¼ Elgin Time Signals.

1049 *Advance Program Schedule.*

Subject to Change.

WJJD.

Thursday, December 25th, 1930.

A. M.
7.58 Opening Announcement.
7.59¼ Elgin Time Signals.
8.00 Recordings and Announcements.
8.59¼ Elgin Time Signals.
9.00 Recordings and Announcements.
9.59¼ Elgin Time Signals.
10.00 Special Recordings.
10.14¾ Marco Fur Announcement.
10.15 Columbia Chain—Fine Arts.
10.30 Columbia Chain—Sewing Circle.
10.45 Columbia Chain—Sewing Circle.
10.59¼ Elgin Time Signals.
11.00 Columbia Chain—Tremains Orchestra.
11.14¾ Marco Fur Announcement.
11.15 Young Mothers' Club.
11.29 Barts Announcement.
11.30 Columbia Chain—Columbia Revue.
11.45 Wilson Hostess.
11.59¼ Elgin Time Signals.
12.00 Household—Musical Program.
P. M.
12.15 Illinois Agricultural Association.
12.30 Barts Announcement.
12.31 Palmer House String Ensemble.
12.45 U. S. Department of Agriculture.
12.59¼ Elgin Time Signals.
1.00 National Air Line Association.
1.05 Palmer House String Ensemble.
1.15 Columbia Chain—Columbia Artists.
1.30 Palmer House Empire Room.
1.45 Phil Warner—Musical Improvisations.
1.59¼ Elgin Time Signals.

2.00 Howard L. Peterson—Afternoon Organ Recital.
2.15 Howard L. Peterson—Afternoon Organ Recital.
2.30 Sunshine for Shut-Ins.
2.45 Sunshine for Shut-Ins.
2.59¼ Elgin Time Signals.
3.00 Columbia Chain—Asbury Park Orchestra.
3.15 Columbia Chain—Asbury Park Orchestra.
3.30 WJJD Dance Orchestra.
3.45 WJJD Dance Orchestra.
3.59¼ Elgin Time Signals.
4.00 Mooseheart Educational Program.
4.15 Mooseheart Educational Program.
4.30 Palmer House—Mezzanine Trio.
4.40 Wilson and Company Tea Tunes.
4.59¼ Elgin Time Signals.
5.00 Five-O Club.
5.15 White City Marathon.
5.20 Twilight Melodies—Avis Fisk and Howard L. Peterson.
5.30 Twilight Melodies—Avis Fisk and Howard L. Peterson.
5.45 Columbia Chain—Tony's Scrap Book.
5.59¼ Elgin Time Signals.
6.00 WJJD Sports Reel—Rocky Wolfe.
6.15 White City Marathon.
6.25 The Victorians—Dance Music.
6.30 Husk O'Hare Dance Orchestra.
6.45 WJJD Dance Orchestra.
6.59¼ Elgin Time Signals.
7.00 Musical Moments—Grace Jane Prince.
7.14 Eitel Announcement.
7.15 Columbia Chain—Poets Gold.
7.30 Litt Announcement.
7.31 Palmer House Empire Ensemble.
7.45 Columbia Chain.
7.59¼ Elgin Time Signals.
8.00 WJJD Dance Orchestra.
8.15 WJJD Dance Orchestra.
8.28 Sign Off with Station Announcement.
8.29¼ Elgin Time Signals.

1050 *Advance Program Schedule.*

Subject to Change.

WJJD.

Friday, December 26th, 1930.

A. M.

7.58 Opening Announcement.
7.59¼ Elgin Time Signals.
8.00 Recordings and Announcements.
8.59¼ Elgin Time Signals.
9.00 Recordings and Announcements.
9.59¼ Elgin Time Signals.
10.00 Special Recording.
10.14¾ Marco Fur Announcement.
10.15 Special Recording.
10.30 Howard L. Peterson—Organ.
10.45 Howard L. Peterson—Organ.
10.59¼ Elgin Time Signals.
11.00 Columbia Chain—Tremains Orchestra.
11.14¾ Marco Fur Announcement.
11.15 Young Mothers' Club.
11.29 Barts Announcement.
11.30 Columbia Chain—Columbia Revue.
11.45 Wilson Hostess.
11.59¼ Elgin Time Signals.
12.00 Household—Musical Program.

P. M.

12.15 Illinois Agricultural Association.
12.30 Barts Announcement.
12.31 Palmer House String Ensemble.
12.45 U. S. Agriculture with Jean and Charley.
12.59¼ Elgin Time Signals.
1.00 National Air Line Association.
1.05 Palmer House String Ensemble.
1.15 Columbia Chain—Strollers Quartette.
1.30 Palmer House Empire Room.
1.45 Phil Warner—Piano Improvisations.
1.59¼ Elgin Time Signals.
2.00 Howard L. Peterson—Afternoon Organ Recital.
2.15 Howard L. Peterson—Afternoon Organ Recital.
2.30 Sunshine for Shut-Ins.

2.45 Sunshine for Shut-Ins.
2.59¼ Elgin Time Signals.
3.00 Columbia Chain—Salon Orchestra.
3.15 Columbia Chain—Salon Orchestra.
3.30 WJJD Dance Orchestra.
3.45 WJJD Dance Orchestra.
3.59¼ Elgin Time Signals.
4.00 Mooseheart Educational Program.
4.15 Mooseheart Educational Program.
4.30 Palmer House—Mezzanine Trio.
4.40 Wilson and Company Tea Tunes.
4.59¼ Elgin Time Signals.
5.00 Five-O Club.
5.15 White City Marathon.
5.20 Twilight Melodies—Avis Fisk and Howard L. Peterson.
5.30 Twilight Melodies—Avis Fisk and Howard L. Peterson.
5.45 Columbia Chain—Tony's Scrap Book.
5.59¼ Elgin Time Signals.
6.00 WJJD Sports Reel—Rocky Wolfe.
6.10 White City Marathon.
6.20 The Victorians—Dance Music—and Chicago Motor Club.
6.30 Household Finance Company Program.
6.45 Household Finance Company Program.
6.59¼ Elgin Time Signals.
7.00 Musical Moments—Grace Jane Prince.
7.14 Eitel Restaurant Announcement.
7.15 Columbia Chain—Grand Opera Miniatures.
7.30 Litt Announcement.
7.31 Palmer House Empire Ensemble.
7.45 Husk O'Hare Dance Orchestra.
7.59¼ Elgin Time Signals.
8.00 Wilson and Company—The Old Plantation.
8.15 Wilson and Company—The Old Plantation.
8.28 Sign Off with Station Announcement.
8.29¼ Elgin Time Signals.

1051 *Advance Program Schedule.*

Subject to Change.

WJJD

Saturday, December 27th, 1930.

A. M.

7.58 Opening Announcement.
7.59¼ Elgin Time Signals.
8.00 Recordings and Announcements.
8.59¼ Elgin Time Signals.
9.00 Recordings and Announcements.
9.59¼ Elgin Time Signals.
10.00 Columbia Chain—Philharmonic Symphony.
10.14¾ Marco Fur Announcement.
10.15 Columbia Chain—Philharmonic Symphony.
10.30 Columbia Chain—Philharmonic Symphony.
10.45 Howard L. Peterson—Organ.
10.59¼ Elgin Time Signals.
11.00 Howard L. Peterson—Organ.
11.14¾ Marco Fur Announcement.
11.15 Young Mothers' Club.
11.29 Barts Announcement.
11.30 Columbia Chain—Columbia Revue.
11.45 Wilson Hostess.
11.59¼ Elgin Time Signals.
12.00 Household—Musical Program.
12.14 Barts Announcement.
12.15 Empire Room String Ensemble.
12.30 U. S. Department of Agriculture.
12.45 Empire Room String Ensemble.
12.59¼ Elgin Time Signals.
1.00 Jean and Charley and National Air Line Association.
1.15 Columbia Chain.
1.30 Empire Room String Ensemble.
1.45 Phil Warner—Piano Improvisations.
1.59¼ Elgin Time Signals.
2.00 Columbia Chain—The Four Clubmen.
2.15 Columbia Chain—The Four Clubmen.
2.30 Columbia Chain—Saturday Syncopators.

2.45 Columbia Chain—Saturday Syncopators.
2.59¼ Elgin Time Signals.
3.00 Sunshine for Shut-Ins.
3.15 Sunshine for Shut-Ins.
3.30 WJJD Dance Orchestra.
3.45 WJJD Dance Orchestra.
3.59¼ Elgin Time Signals.
4.00 East West Football Game or Columbia Chain.
4.15 East West Football Game on Columbia Chain.
4.30 Palmer House—Mezzanine Trio.
4.40 Wilson and Company Tea Tunes.
4.49¼ Elgin Time Signals.
5.00 Five-O Club.
5.15 White City Marathon.
5.20 East West Football Game on Columbia Chain.
5.30 East West Football Game on Columbia Chain.
5.45 Columbia Chain—Tony's Scrap Book.
5.59¼ Elgin Time Signals.
6.00 WJJD Sports Reel—Rocky Wolfe.
6.15 White City Marathon.
6.25 Empire String Ensemble.
6.30 Victorians Dance Orchestra.
6.45 Husk O'Hare Dance Orchestra.
6.59¼ Elgin Time Signals.
7.00 Musical Moments—Grace Jane Prince.
7.14 Eitel Restaurant Announcement.
7.15 Columbia Chain—Dixie Echoes.
7.30 Litt Announcement.
7.31 Palmer House Empire Ensemble.
7.45 Husk O'Hare Dance Orchestra.
7.59¼ Elgin Time Signals.
8.00 Quality Group WLW-WOR-WJJD—Old Gold Numerologist.
8.15 WJJD Dance Orchestra.
8.28 Sign Off with Station Announcement.
8.29¼ Elgin Time Signals.

1052-1054 35. State definite facts why the continued operation of the station will be in the public convenience, interest, or necessity? See detailed Public Hearing before Federal Radio Commission November 29, 1927.

1055 Form No. 37-B.

Department of Commerce, U. S. Supervision of Radio, Chicago, Ill. Received Dec. 29, 1930.

Federal Radio Commission. Jan. 3, 1931.

File No: S.B. 559; Official No. 559; Call Letters: WHFC; Class of Service, Broadcast.

UNITED STATES OF AMERICA:

Federal Radio Commisison.

Application for Renewal of Radio Broadcasting Station License.

(Submit in duplicate to District Supervisor of Radio in charge of District in which station is located. Swear to one copy.)

To the Federal Radio Commission:

1. Name of applicant:* Triangle Broadcasters.
2. Post-office address: State, Illinois; City, Cicero; Street and number, 6138 West Twenty-Second Street.
3. Citizenship: an Illinois Corporation.
4. State whether applicant is a corporation, partnership, or association: corporation.
5. If applicant is a corporation, state (*a*) Under laws of what State it is organized: Illinois. (*b*) May more than one-fifth of capital stock be voted by aliens or their representatives, or by a foreign government or representative thereof? No. (*c*) Is any director or officer an alien? If so, state his name and position: No. (*d*) If applicant is a subsidiary, state name and address of parent company and under laws of what State or country parent company is

* If a corporation, state corporate name; if a partnership, state names of all partners and the name under which the partnership does business; if an unincorporated association, state the name of an executive officer, the office held by him, and the name of the association. The same name or names should be signed in the place provided at the end of application, except that in the case of a partnership the application may be signed in the name of the partnership by one of the partners. This application must be executed and signed in the name which appears on the license for which renewal is requested, unless there has been an assignment of the license with the written consent of the Commission.

organized: Not a subsidiary. (*e*) Whether stock is to be sold for the purpose of raising money to operate station: No.

1056-1059 6. State fully the facts showing applicant's financial responsibility with respect to operation of this station: The applicant has $50,000 fully paid capital and its stockholders are able and willing to furnish as much as may be necessary if and when there is occasion therefor.

7. Is applicant a representative of an alien or foreign Government? No.

8. Has the applicant, since February 23, 1927, been finally adjudged guilty by any Federal court of unlawfully monopolizing, or attempting unlawfully to monopolize, radio communication through control of manufacture or sale of radio apparatus, exclusive traffic arrangements, or any other means, or of unfair methods of competition? No.

9. State applicant's relation to station (whether applicant is owner or lessee, and if not, nature of applicant's interest in use and control of station): Owner.

10. If applicant is not owner of station, who is? ——

11. File number and date of license sought to be renewed: 4-R-B-559 Oct. 21, 1930.

12. The existing license authorizes the use of: (*a*) Frequency, 1420 kilocycles. (*b*) Power output for daytime operation, 100 watts; Nighttime, 100 watts. (*c*) Hours of operation, Division of time with WKBI and WEHS. (*d*) Call letters WHFC.

13. Under existing license, state (*a*) Average per cent of time weekly, devoted to following services: (1) Entertainment, 83%; (2) Religious, 5%; (3) Commercial, Most of entertainment is sponsored; (4) Educational, 10%; (5) Agricultural, ——; (6) Fraternal, 2%; (7) ——; (*b*) Average number of hours per month station has operated during present license period: 351. (*c*) Does applicant sell time? Yes. (*d*) If applicant does not sell time, how is station supported? ——; (*e*) Number of weekly hours of sponsored programs is 25; of direct advertising programs is: None except as hereinafter stated. (*f*) Are merchandise prices quoted in interest of applicant? No; or others? In some cases.

1060 27. Specify actual periods station has been operated since effective date of existing license:

	A. M.	P. M.	Total daily hours.
Sunday	7:00-4:00	8-1	14
Monday	7:00-1:30	6-8—11-1	10½
Tuesday	7:00-1:30	6-8—11-1	10½
Wednesday	7:00-1:30	6-8—11-1	10½
Thursday	7:00-1:30	6-8—11-1	10½
Friday	7:00-1:30	6-8—11-1	10½
Saturday	7:00-1:30	6-2	14½
Total weekly hours			81

28. Does station divide time? Yes. If so, with what station? WKBI, WEHS.

29. State average number of hours per month station will be operated during each month in the summer: 351; Each month in the winter, 351.

30. Does station obtain programs from what is known as a "chain?" No. (*a*) Name of chain: ——. (*b*) What is total hours per week of chain programs (i. e., programs, both paid or sustaining, which are duplicated by any other station)? None.

31. (*a*) Attach printed program for week last preceding date of this application. See Exhibit "A".

1061 EXHIBIT "A".

Station WHFC Broadcast Schedule.

Voice of the West Towns.

Studios in the Sokol Slavsky Building, Cicero, Illinois.

Broadcast Daily on a Frequency of 1420 Kilocycles.

Thursday, Dec. 25.

A. M.
7:00—First Congregational Church.
8:00—Morning Musical.
9:00—L. Klein Hour.
10:00—Christmas Classics.
11:00—Merry Music Hour.
12:00—Noon Hour Program.

P. M.
1:00—Favorite Christmas Melodies.
6:00—Dinner Hour Program.
7:00—Church Services.
11:00—Triangle Cafe Orchestra.
12:00—Sol Wagner and His Orchestra.
12:30—Carl Schreiber's Orchestra.

Friday, Dec. 26.

A. M.
7:00—First Congregational Church.
8:00—Morning Musicale.
9:00—L. Klein Hour.
10:00—Studio Program.
11:00—Organ Music.
12:00—Noon Hour Program.
P. M.
1:00—Popular Program.
6:00—Dinner Hour Program.
7:00—Favorite Melodies.
11:00—Triangle Cafe Orchestra.
12:00—Sol Wagner and His Orchestra.
1:00—Popular Program.

Saturday, Dec. 27.

A. M.
7:00—First Congregational Church.
8:00—Morning Musicale.
9:00—L. Klein Hour.
10:00—Popular Program.
11:00—Miscellaneous Program.
12:00—Luncheon Program.
P. M.
1:00—Popular Music.
6:00—Dinner Hour Program.
7:00—Musicale Melody.
8:00—Favorite Melodies.
9:00—Sol Wagner and His Orchestra.
10:00—Popular Program.
11:00—Triangle Cafe Orchestra.
12:00—Sol Wagner and His Orchestra.

Sunday, Dec. 28.

A. M.
8:00—Morning Musicale.

8:30—First Congregational Church.
9:00—L. Klein Hour.
10:00—Gems from Musical Comedies.
11:00—Edison Hour.
12:00—Organ Recital.
P. M.
1:00—Studio Program.
2:00—Chicago Tuberculosis Institute.
3:00—Recital of Favorite Piano Classics.
8:00—Popular Program.
8:30—Carl Screiber's Orchestra.
9:00—Triangle Cafe Orchestra.
9:30—Sol Wagner and His Orchestra.
10:30—Popular Program.
11:00—Carl Schreiber's Orchestra.
12:00—Triangle Cafe Orchestra.

Monday, Dec. 29.

A. M.
7:00—First Congregational Church.
8:00—Morning Musicale.
9:00—L. Klein Hour.
10:00—Miscellaneous Program.
11:00—Organ Recital.
12:00—Noon Hour Program.
P. M.
1:00—Popular Program.
6:00—Dinner Hour Program.
7:00—Lithuanian Hour.
11:00—Sol Wagner and His Orchestra.
12:00—Popular Program.
12:30—Triangle Cafe Orchestra.

Tuesday, Dec. 30.

A. M.
7:00—First Congregational Church.
8:00—Musicale Medley.
9:00—L. Klein Hour.
10:00—Favorite Melodies.
11:00—Miscellaneous Program.
12:00—Noon Hour Program.
P. M.
1:00—Popular Program.
6:00—Dinner Hour Program.

7:00—Popular Program.
11:00—Sol Wagner and His Orchestra.
12:00—Triangle Cafe Orchestra.
12:30—Popular Program.

1062-1064 35. State definite facts why the continued operation of the station will be in the public convenience, interest, or necessity? Applicant has regularly furnished public with highest type of entertainment and educational program and will continue to do so. It gives service to the southwest portion of Chicago, the city of Cicero, and outlying suburbs to the west and southwest, not furnished by any other station.

1065 Form No. 37-B.

Department of Commerce, U. S. Supervisor of Radio, Chicago, Ill. Received Dec. 20, 1930.

Federal Radio Commission. Dec. 22, 1930.

File No.: heh. Official No.: 604. Call Letters: WCBD. Class of Service: ——.
Ack. P. D. H.

UNITED STATES OF AMERICA:

Federal Radio Commission.

Application for Renewal of Radio Broadcasting Station License.

(Submit in duplicate to District Supervisor of Radio in charge of District in which station is located. Swear to one copy.)

To the Federal Radio Commission:

1. Name of applicant:* Wilbur Glenn Voliva.
2. Post-office address: State, Illinois; City, Zion; Street and number, Zion Home.

* If a corporation, state corporate name; if a partnership, state names of all partners and the name under which the partnership does business; if an unincorporated association, state the name of an executive officer, the office held by him, and the name of the association. The same name or names should be signed in the place provided at the end of application, except that in the case of a partnership the application may be signed in the name of the partnership by one of the partners. This application must be executed and signed in the name which appears on the license for which renewal is requested, unless there has been an assignment of the license with the written consent of the Commission.

3. Citizenship: Citizen of the United States.

4. State whether applicant is a corporation, partnership, or association: Applicant is sole owner.

5. If applicant is a corporation, state (*a*) Under laws of what State it is organized: Not incorporated. (*b*) May more than one-fifth of capital stock be voted by aliens or their representatives, or by a foreign government or representative thereof? ——. (*c*) Is any director or officer an alien? If so, state his name and position: ——. (*d*) If applicant is a subsidiary, state name and address of parent company and under laws of what State or country parent company is organized: ——. (*e*) Whether stock is to be sold for the purpose of raising money to operate station: ——.

1066-1069 6. State fully the facts showing applicant's financial responsibility with respect to operation of this station: Applicant is owner of all the Zion Estate and Zion Institutions and Industries.

7. Is applicant a representative of an alien or foreign Government? No.

8. Has the applicant, since February 23, 1927, been finally adjudged guilty by any Federal court of unlawfully monopolizing, or attempting unlawfully to monopolize, radio communication through control of manufacture or sale of radio apparatus, exclusive traffic arrangements, or any other means, or of unfair methods of competition? No.

9. State applicant's relation to station (whether applicant is owner or lessee, and if not, nature of applicant's interest in use and control of station): Applicant is sole owner.

10. If applicant is not owner of station, who is? ——.

11. File number and date of license sought to be renewed: File #4-R-B-604, dated Oct. 31, 1930, Expires Jan. 31, 1930.

12. The existing license authorizes the use of: (*a*) Frequency, 1080 kilocycles. (*b*) Power output for daytime operation, 5,000 watts: Nighttime, 5,000 watts. (*c*) Hours of operation, Daytime only except Wednesday night from 11:00 to 12:00 p. m. (*d*) Call letters, WCBD.

13. Under existing license, state (*a*) Average per cent of time weekly, devoted to following services: (1) Entertain-

ment, 75%; (2) Religious, 10%; (3) Commercial, None; (4) Education, 15%; (5) Agricultural, None; (6) Fraternal, None; (7) ——. (*b*) Average number of hours per month station has operated during present license period: ——. (*c*) Does applicant sell time? No. (*d*) If applicant does not sell time, how is station supported? By Wilbur Glenn Voliva, General Overseer of the Christian Catholic Apostolic Church and owner of Zion Institutions and Industries and Zion Estate. (*e*) Number of weekly hours of sponsored programs is None; of direct advertising programs is None. (*f*) Are merchandise prices quoted in interest of applicant? No; or others? No.

1070 27. Specify actual periods station has been operated since effective date of existing license:

	A. M.	P. M.	Total daily hours
Sunday	8:30 to 10:45	3:30– 3:45	3½
Monday (Silent)	.....	.....	...
Tuesday	.....	12:30– 1:00	½
Wednesday	.....	11:00–12:00	1
Thursday	.....	1:30– 3:00	1½
Friday (Silent)	.....	.....	...
Saturday (Silent)	.....	.....	...
Total weekly hours			6½ hrs.

28. Does station divide time? Yes. If so, with what station? WMBI.

29. State average number of hours per month station will be operated during each month in the summer: 33 Hrs.; Each month in the winter, 24 Hrs.

30. Does station obtain programs from what is known as a "chain?" No. (*a*) Name of chain: ——. (*b*) What is total hours per week of chain programs (i. e., programs, both paid or sustaining, which are duplicated by any other station)? ——.

31. (*a*) Attach printed program for week last preceding date of this application.

1071 *Radio Program.*

Sunday Morning, December 14, 1930.

8:30-10:45, C. S. T.

8:30 to 9:00—Organ Program.

1. Selection—"Have Faith in God" ..... McGranahan
   Zion Orchestra.
2. Sacred Fantasia—"Providence" .... Arr. Moses-Tobani
   Zion Orchestra.
3. Selection—"Andante Espressive"
   Rimsky-Korsakow arr. by Roberts
   Zion Orchestra.
4. Selection—"Melody, a la Mozart" Korestchenko
   Arr. by Roberts
   Zion Orchestra.
5. Sacred Selections ..... Arr. by Barnard
   Zion Orchestra.
6. Talk—"Christian Education" ..... Anton Darms
7. Barytone Solo—"Will the Circle be Broken" Lillenas
   Mr. E. B. Paxton
8. Cornet and Euphonium—"Let the Lower Lights Be Burning" ..... Bliss
   Messrs. Stewart and Dunn.
9. Contralto Solo—"O Little Town of Bethlehem"
   Worthington
   Mrs. G. R. Sparrow.
10. Soprano and Contralto Duet—"Bright Star of Bethlehem" ..... Cobern
    The Misses Eleanor & Esther Harwood.
11. Vocal Trio—"Invocation" ..... Moore
    Mrs. Whiteman, Mrs. McKerlie and Mrs. Reed.
12. Cornet and Euphonium—"Fly Forth O Gentle Dove"
    Pinsuti
13. Contralto Solo—"Brightest and Best" ..... Fearis
    Mrs. Sparrow.
14. Soprano and Contralto Duet—"How Beautiful Upon the Mountains" ..... Woodworth
    The Misses Harwood.
15. Barytone Solo—"There is no Death" ..... O'Hara
    Mr. Paxton.

16. Contralto Solo—"Where He Leads He" ..... Norris
Mrs. Sparrow.
17. Vocal Trio—"Hark! The Glad Sound" ..... Davies
18. Cornet and Euphonium—"Alita" ..... Losey
19. Contralto Solo—"The New-born King" ..... L'Espoir
Mrs. Sparrow.
1072 20. Barytone Solo—"O Dream of Paradise" ... Gray
Mr. E. B. Paxton.
21. Vocal Trio—"Seek Ye the Lord" ..... Wilson
Mrs. Whiteman, Mrs. McKerlie and Mrs. Reed.

1073 *Program.*

Sunday Afternoon, December 14, 1930.

2:30 to 3:45 p. m.

2:30 to 3:00—Band Program.

1. Processional—"Go Forward Christian Soldiers" Tours
Zion White-Robed Choir.
2. Anthem—"Thou Wilt Keep Him in Perfect Peace" ..... Buck
Zion Choir.
3. Chorus—"By Babylon's Wave" ..... Gounod
Zion Choir.
4. Hymn Anthem—"Diadem" ..... Arr. Davis
Zion Choir.

1074 *Radio Program.*

Tuesday Noon, December 16, 1930.

1. March—"University of Dayton" ..... Panella
Studio Ensemble.
2. Overture—"Zampa" ..... Herold
Studio Ensemble.
3. Selection—"Les Pheniciennes" Massenet, Arr. by Lampe
Studio Ensemble.
4. Selection—"Valse Espanol" ..... Engelmann
Studio Ensemble.

5. Selection—"Barcarolle" ..... Offenbach
Studio Ensemble.
6. Selection—"Chinchillita" ..... Hartz
Studio Ensemble.
7. Selection—"American Patrol" ..... Meacham
Studio Ensemble.

1075 *Radio Program.*

Wednesday Night, Dec. 17, 1930.

11:00 to 12:00 p. m. C. S. T.

1. Instrumental Trio—"Mazurka" ..... Risher
The Hire Trio.
2. Cantata—"Faith and Praise" ..... West
Chorus of 16 mixed voices, Mr. Fred. Faassen Directing, Accompanied by String Quartet, Miss Ruth Petrie at the piano. Solo parts taken by Mrs. Dorothy Whiteman, Mrs. Ethel Tanner, Messrs. Bull and Paxton.
3. Hire Trio—"La Cinquantaine" ..... Gabriel-Marie
4. Double Trio—"The Watch in the Field" "On to Bethlehem," and "Heavenly Baby, Sleep" ..... Lighthill
Mrs. Florence Hill, Mrs. Ruth Pihl, Mrs. Mary Johnson, Mrs. Lucille Bird, Mrs. Esther Beem, and Mrs. Ralph Pihl.
5. Hire Trio—"Valse Brilliante" ..... Chopin
6. Double Trio—"Sing and Be Joyful" and "Jesus Shall Reign" ..... Lighthill

1076-1086 *Radio Program.*

Thursday Afternoon, Dec. 18, 1930.

1:30 to 3:00 p. m., C. S. T.

1. Soprano and Contralto Duet—"He is Coming Soon" ..... Thomas
Mrs. Ruth Pihl and Mrs. Harwood.
2. Scripture Reading ..... Rev. Anton Darms
3. Soprano and Contralto Duet—"The Stranger of Galilee" ..... Morris
Mrs. Pihl and Mrs. Harwood.

4. Prayer ..... Rev. Anton Darms
5. Sophano and Contralto Duet—"Seeking for Me" Hasty
Mrs. Pihl and Mrs. Harwood.
6. Address ..... Rev. Anton Darms
7. Barytone Solo—"Joy Cometh in the Morning" Milton
Mr. E. B. Paxton.
8. Piano Solo—"Sunshine"
Miss Grace Wedekind.
9. Vibra Harp—"O Little Town of Bethlehem" Redner
Mrs. Johnson and Miss Deeder.
10. Piano Solo—"Coasting" ..... Burleigh
Miss Wedekind.
11. Vibra Harp—"It Came Upon a Midnight Clear" Willis
Mrs. Johnson and Miss Deeder.

1087-1090 35. State definite facts why the continued operation of the station will be in the public convenience, interest, or necessity? Because of our unique organization, consisting of five hundred trained singers and musicians and lecturers, performing consistently. Because of the class and character of broadcasting done during the past seven years. Because of the large clientele who ask for and commend the character and class of music and entertainment, educational lectures, traveltalks, and other services which we have rendered, creating recognition and respect of and obedience to the government, and the work which has been done and will be done to foster law and order —all as attested to by tens of thousands of communications on file. Because we specialize in sacred and high-class entertainment; also, we give the very best in literature, both prose and poetry, history, current events and other matters of general worth. Further, because of the large number served each week by the religious services of gospel and song. Because of the ministrations to the patients in hospitals, shut-ins, old-people's homes, and the service rendered to the churches of different religious bodies who are profuse in their praise of our services and programs, and very particularly the sacred concerts given.

1091 Form No. 37-B.

Department of Commerce. U. S. Supervisor of Radio, Chicago, Ill. Received Apr. 14, 1931.

Federal Radio Commission, Apr. 16, 1931.

File No.: —. Official No.: 536. Call Letters.: WCHI. Class of Service ——.

Apr. 16, 1931.

UNITED STATES OF AMERICA:

Federal Radio Commission.

Application for Renewal of Radio Broadcasting Station License.

(Submit in duplicate to District Supervisor of Radio in charge of District in which station is located. Swear to one copy.)

To the Federal Radio Commission:

1. Name of applicant:* People's Pulpit Association.
2. Post-office address: State, Illinois; City, Chicago; Street and number, 201 N. Wells St.
3. Citizenship: United States.
4. State whether applicant is a corporation, partnership, or association: Corporation.
5. If applicant is a corporation, state (*a*) Under laws of what State is it organized: New York. (*b*) May more than one-fifth of capital stock be voted by aliens or their representatives, or by a foreign government or representative thereof?: No, non-stock corporation. (*c*) Is any director or officer an alien? If so, state his name and position: All citizens of the U.S.A. (*d*) If applicant is a subsidiary, state

* If a corporation, state corporate name; if a partnership, state names of all partners and the name under which the partnership does business; if an unincorporated association, state the name of an executive officer, the office held by him, and the name of the association. The same name or names should be signed in the place provided at the end of application, except that in the case of a partnership the application may be signed in the name of the partnership by one of the partners. This application must be executed and signed in the name which appears on the license for which renewal is requested, unless there has been an assignment of the license with the written consent of the Commission.

name and address of parent company and under laws of what State or country parent company is organized: Not a subsidiary. (*c*) Whether stock is to be sold for the purpose of raising money to operate stations: No.

1092-1095 6. State fully the facts showing applicant's financial responsibility with respect to operation of this station: Station and all equipment is owned free from any encumbrance, a cash balance is always maintained in the bank, and the voluntary contributions together with the commercial programs are always sufficient to maintain the operating costs. Additionally, the corporation owns other property in New York, including a radio station.

7. Is applicant a representative of an alien or foreign Government? No.

8. Has the applicant, since February 23, 1927, been finally adjudged guilty by any Federal court of unlawfully monopolizing, or attempting unlawfully to monopolize, radio communication through control of manufacture or sale of radio apparatus, exclusive traffic arrangements, or any other means, or of unfair methods of competition?: No.

9. State applicant's relation to station (whether applicant is owner or lessee, and if not, nature of applicant's interest in use and control of station): Owner.

10. If applicant is not owner of station, who is? Applicant is.

11. File number and date of license sought to be renewed: #536, October 24, 193-.

12. The existing license authorizes the use of: (*a*) Frequency, 1490 kilocycles. (*b*) Power output for daytime operation, 5000 watts; Nighttime, 5000 watts. (*c*) Hours of operation, 51. (*d*) Call letters WCHI.

13. Under existing license, state (*a*) Average per cent of time weekly, devoted to following services: (1) Entertainment, 30%; Religious, 15%; (3) Commercial, 50%; (4) Educational, 5%; (5) Agricultural, ——; (6) Fraternal, ——; (7) ——.

(*b*) Average number of hours per month station has operated during present license period, ——. (*c*) Does applicant sell time? Yes. (*d*) If applicant does not sell time, how is station supported? ——. (*e*) Number of weekly hours of sponsored programs is: 18; of direct advertising programs is: 6 and remainder sustaining. (*f*) Are

merchandise prices quoted in interest of applicant? No; or others? Yes, but generally, not directly.

1096 & 1097 27. Specify actual periods station has been operated since effective date of existing license:

	A. M.			P. M.			Total daily hours
Sunday	9 A. M.	to	4 P. M.	8:45	to	12	10¼
Monday	12 M	"	3:45 P. M.	9:30	"	"	6¼
Tuesday	"	"	"	"	"	"	6¼
Wednesday	"	"	"	8:30	"	"	7¼
Thursday	"	"	"	"	"	"	7¼
Friday	"	"	"	9:30	"	"	6¼
Saturday	"	"	"	8:30	"	"	7¼
Total weekly hours							50¾

28. Does station divide time? Yes. If so, with what station? WCKY and WJAZ.

29. State average number of hours per month station will be operated during each month in the summer: Have operated approximately 235 hrs. each month this past summer.

Each month in the winter: Expect to operate at least this much during winter and would prefer more.

30. Does station obtain programs from what is known as a "chain"? No. (*a*) Name of chain: ——. (*b*) What is total hours per week of chain programs (i. e., programs, both paid or sustaining, which are duplicated by any other station)? ——.

31. (*a*) Attach printed program for week last preceding date of this application.

1098-1100 35. State definite facts why the continued operation of the station will be in the public convenience, interest, or necessity? Because of its broadcast of instructive, interesting, educational and entertaining programs which are helping to popularize the low end of the dial. Because of its affiliation with agencies for civic development and betterment, and because of the need of a commercial station of the character which is stimulating business for those who cannot afford the more expensive channel stations and because of wide popular appeal which it is making.

1101 Form No. 37-B

Department of Commerce. U. S. Supervisor of Radio, Chicago, Ill. Received Dec. 26, 1930.

Federal Radio Commission. Dec. 29, 1930.

File No.:——. Official No.: 548. Call Letters: WMAQ. Class of Service:——.

UNITED STATES OF AMERICA:

Federal Radio Commission

Application for Renewal of Radio Broadcasting Station License.

(Submit in duplicate to District Supervisor of Radio in charge of District in which station is located. Swear to one copy.)

To the Federal Radio Commission:

1. Name of applicant:* WMAQ, Inc.

2. Post-office address: State, Illinois; City, Chicago; Street and number, 400 West Madison.

3. Citizenship: American.

4. State whether applicant is a corporation, partnership, or association: Corporation: ——.

5. If applicant is a corporation, state (*a*) Under laws of what State it is organized: Illinois. (*b*) May more than one-fifth of capital stock be voted by aliens or their representatives, or by a foreign government or representative thereof? No. (*c*) Is any director or officer an alien? If so, state his name and position: None. (*d*) If applicant is a subsidiary, state name and address of parent company and

* If a corporation, state corporate name; if a partnership, state names of all partners and the name under which the partnership does business; if an unincorporated association, state the name of an executive officer, the office held by him, and the name of the association. The same name or names should be signed in the place provided at the end of application, except that in the case of a partnership the application may be signed in the name of the partnership by one of the partners. This application must be executed and signed in the name which appears on the license for which renewal is requested, unless there has been an assignment of the license with the written consent of the Commission.

under laws of what State or country parent company is organized: The Chicago Daily News, Inc., 400 West Madison Street, Chicago, Illinois. (*c*) Whether stock is to be sold for the purpose of raising money to operate station: No.

1102-1105 6. State fully the facts showing applicant's financial responsibility with respect to operation of this station: The Chicago Daily News of which WMAQ, Inc., is wholly owned subsidiary, has a net worth of $15,155,146.50.

7. Is applicant a representative of an alien or foreign Government? No.

8. Has the applicant, since February 23, 1927, been finally adjudged guilty by any Federal court of unlawfully monopolizing, or attempting unlawfully to monopolize, radio communication through control of manufacture or sale of radio apparatus, exclusive traffic arrangements, or any other means, or of unfair methods of competition? No.

9. State applicant's relation to station (whether applicant is owner or lessee, and if not, nature of applicant's interest in use and control of station): Owner.

10. If applicant is not owner of station, who is? ——.

11. File number and date of license sought to be renewed: No. 548, October 31st, 1930.

12. The existing license authorizes the use of: (*a*) Frequency, 670 kilocycles. (*b*) Power output for daytime operation, 5000 watts; Nighttime, 5000 watts. (*c*) Hours of operation, Unlimited. (*d*) Call letters, WMAQ.

13. Under existing license, state (*a*) Average per cent of time weekly, devoted to following services: (1) Entertainment, 75.1% including sponsored programs; (2) Religious, 6.4%; (3) Commercial, 2.2%; (4) Educational, 14.1%; (5) Agricultural, 2.2%; (6) Fraternal, ——; (7) ——.

(*b*) Average number of hours per month station has operated during present license period, 581. (*c*) Does applicant sell time? Yes. (*d*) If applicant does not sell time, how is station supported? ——. (*e*) Number of weekly hours of sponsored programs is 61; of direct advertising programs is, See paragraph (f). (*f*) Are merchandise prices quoted in interest of applicant? No; or others? ½-hour daytime.

1106 27. Specify actual periods station has been operated since effective date of existing license:

	A.M.	P. M.	Total daily hours
Sunday	12:00 Midnight to 2:00 A.M.	and 9:00 to 11:00 P.M.	16
Monday	6:00 A.M. to 12:00 Midnight		18
Tuesday	12:00 Midnight to 2:00 A.M.	and 6:00 A.M. to 12:00 Midnight	20
Wednesday	Same as Tuesday		20
Thursday	Same as Tuesday		20
Friday	Same as Tuesday		20
Saturday	Same as Tuesday		20
Total weekly hours			134

28. Does station divide time? No. If so, with what station? ——.

29. State average number of hours per month station will be operated during each month in the summer: 581; each month in the winter, 581.

30. Does station obtain programs from what is known as a "chain?" Yes. (*a*) Name of chain: Columbia Broadcasting System and feed Amos and Andy to National Broadcasting Company. (*b*) What is total hours per week of chain programs (i. e., programs, both paid or sustaining, which are duplicated by any other station)? 27.

31. (*a*) Attach printed program for week last preceding date of this application.

1107 *W M A Q Radio Program.*

Chicago Daily News Station.

Wave Length 447.5 Meters, 670 Kilocycles, 5,000 Watts.

Week Dec. 7.

Sunday.

9:00—Sunday school dramatization.
9:30—Musical program.
10:30—University of Chicago organ recital and service.
12:15—Musical program.
12:45—Society of the New Jerusalem.
1:00—Columbia Broadcasting System. Cathedral hour.
1:30—The Whitneys. Chamber music players.
2:00—Columbia Broadcasting System. Curtis Institute Symphony orchestra.

4:00—Columbia Broadcasting System. The Rev. Donald Grey Barnhouse.
4:30—Musical pilgrimages. Marx and Anne Oberndorfer.
5:00—Daily News string quartet.
5:30—"Poems, Old and New," Miss Elizabeth Hunt.
5:45—Harold Van Horne, pianist.
6:00—Columbia Broadcasting System—Father Charles E. Coughlin.
7:00—Columbia Broadcasting System. "Keeping Abreast of Business," Robert M. Davis.
7:15—Daily News concert orchestra.
7:30—Chicago Sunday Evening Club. Address by Dr. George A. Buttrick.
9:15—Harold Van Horne, pianist.
9:30—Utica-Mohawk orchestra.
10:00—Auld Sandy.
10:15—Elgin time signal and weather reports.
10:17—Daily News concert orchestra.
10:30—Bible reading. Bill Hay.
10:40—The Daily News concert orchestra.

Monday.

6:00—Musical hodgepodge.
6:30—Y. M. C. A. setting-up exercises.
7:30—Morning worship.
7:45—Columbia Broadcasting System. Old Dutch Girl.
7:59—Elgin time signal.
8:00—Columbia Broadcasting System. Something for Every One.
8:30—Elementary French, Jules Duc.
9:00—The Question Box Man.
9:10—Public schools program. Music.
9:30—Board of trade, also at 10:30, 11:30, 12:30, 1:22.
9:35—Davis radio service.
9:50—Musical hodgepodge.
9:55—Public schools program. Music.
10:15—Gene and Kathleen Lockhart.
10:40—Burley program.
10:55—Musical hodgepodge.
11:00—Whitney trio.
11:33—Pianoland—Joe Rudolph.
12:00—Noontime melodies.

12:15—Midday chimes, Dr. John L. Dickson.
12:33—News flashes.
12:45—Noontime melodies.
1:30—Columbia Broadcasting System. American School of the Air.
2:00—Davis radio service.
2:15—Whitney trio.
2:30—Musical potpourri.
3:30—Woman's calendar.
4:00—Junior League program.
4:15—News flashes.
4:30—Italian lessons, Countess Lisa Cipriani.
5:00—Topsy Turvy Time.
5:30—Columbia Broadcasting System. My Book House.
5:45—Chicago Civic Shakespeare society.
6:00—University of Chicago lecture.
6:15—Vapex program.
6:30—Columbia Broadcasting System. Musical program.
6:45—Anheuser Busch program.
7:00—Literary Digest. Lowell Thomas, author.
7:15—Chicago Daily News feature. Howard Vincent O'Brien, Literary Editor.
7:30—Columbia Broadcasting System. Arabesque.
8:00—Musical program.
8:30—Thomas J. Webb's famous signatures.
9:00—Columbia Broadcasting System. Burns Panetela program.
9:30—Sleepy Water program.
10:00—National Broadcasting Company, Amos 'n' Andy.
10:15—Capper and Capper program.
10:30—Dan and Sylvia.
10:40—Elgin time signal and weather report.
10:45—DX Radio club.
11:00 p. m. to 2:00 a. m.—Beach View orchestra and Uptown Village.

Tuesday.

6:00 a. m.—Musicale hodgepodge.
6:30—Y. M. C. A. setting-up exercises.
7:30—Morning worship.
7:45—Musical hodgepodge.
7:55—Elgin time signal.

8:00—Columbia Broadcasting System. Something for Every One.
8:30—Musical hodgepodge.
9:00—The Question Box Man.
9:10—Public schools program. Geography.
9:30—Board of Trade, also 10:30, 11:30, 12:30, 1:22.
9:35—Davis Radio service.
9:50—Musical hodgepodge.
9:55—Public schools program. Geography.
10:15—Dr. Herman N. Bundesen.
10:40—Burley program.
10:55—Musical hodgepodge.
11:00—Social amenities. Shirley Townsend.
11:10—Whitney trio.
12:00—Noontime melodies.
12:15—Midday chimes. Dr. John L. Dickson.
12:33—News flashes.
12:45—Noontime melodies.
1:30—Columbia Broadcasting System. American School of the Air.
2:00—Davis radio service.
2:15—Whitney trio.
2:30—Musical potpourri.
3:30—Woman's calendar.
4:00—Goodman theater.
4:15—News flashes.
4:30—Advanced French, Jules Duc.
5:00—Topsy Turvy Time.
5:30—E-Z Mills program. The Three Doctors.
5:45—Model Airplane Club.
6:00—Columbia Broadcasting System. Frederick William Wile.
6:15—Harold Van Horne, pianist.
6:20—Rudolph Mangold, violinist, and Franz Pfau, pianist.
6:30—Arzen program. Joe Rudolph, pianist.
6:45—Columbia Broadcasting System. Alexander Woollcott.
7:00—Blackstone program.
7:30—Kaltenborn edits the news.
7:45—Premier Salad Dressers.
8:00—Ward's Tip Top club.

8:30—Columbia Broadcasting System. Philco hour.
9:00—Carson Pirie Scott program.
9:30—Bunte program.
10:00—National Broadcasting Company. Amos 'n' Andy.
10:15—Corinnis Water Boys.
10:30—Dan and Sylvia.
10:40—Elgin time signal and weather report.
10:45—Musical program.
11:00 p. m. to 2:00 a. m.—Beach View orchestra and Uptown Village.

Wednesday.

6:00 a. m.—Musical hodgepodge.
6:30—Y. M. C. A. setting-up exercises.
7:30—Morning worship.
7:45—Columbia Broadcasting System. Old Dutch Girl.
7:59—Elgin time signal.
8:00—Columbia Broadcasting System—Something for Every One.
8:30—University of Chicago lecture. "The Economic Order," Prof. Harry D. Gideouse.
8:50—Musical hodgepodge.
9:00—The Question Box Man.
9:10—Public schools program. Science.
9:30—Board of trade, also 10:30, 11:30, 12:30 and 1:22.
9:35—Davis radio service.
9:50—Musical hodgepodge.
9:55—Public schools program. Science.
10:15—Musical hodgepodge.
10:40—Burley program.
10:55—Musical hodgepodge.
11:00—Whitney trio.
12:00—Noontime melodies.
12:15—Midday chimes, Dr. John L. Dickson.
12:33—News flashes.
12:45—Noontime melodies.
12:50—Chicago Association of Commerce.
1:30—Columbia Broadcasting System. American School of the Air.
2:00—Davis radio service.
2:15—Women's International League.
2:30—Musical potpourri.

3:30—Woman's calendar.
4:00—WMAQ Garden Club.
4:15—News flashes.
4:30—Pianoland—Joe Rudolph.
5:00—Topsy Turvy Time.
5:30—Columbia Broadcasting System. My book house.
5:45—Principal's Club.
6:00—Chevrolet program.
6:30—Columbia Broadcasting System. Musical program.
6:45—Eskimo Pie program.
7:00—Literary Digest. Lowell Thomas, author.
7:15—The Chicago Daily News feature. Hal O'Flaherty, foreign service department.
7:30—Columbia Broadcasting System. Tascha Seidel and concert orchestra.
8:00—Gabriel Tropic Aire program.
8:30—Carson Pirie Scott program.
9:00—Columbia Broadcasting System. The Caribbeans.
9:30—Armenian National Chorus.
10:00—National Broadcasting Company. Amos 'n' Andy.
10:15—Daily News concert orchestra.
10:30—Dan and Sylvia.
10:40—Elgin time signal and weather report.
10:45—Musical program.
11:00 p. m. to 2 a. m.—Beach View orchestra and Uptown Village.

Thursday.

6:00 a. m.—Musical hodgepodge.
6:30—Y. M. C. A. setting-up exercises.
7:30—Morning worship.
7:45—Musical hodgepodge.
7:59—Elgin time signal.
8:00—Columbia Broadcasting System. Something for Every One.
8:30—Musical hodgepodge.
9:00—The Question Box Man.
9:10—Public schools program. Literature.
9:30—Board of Trade; also 10:30, 11:30, 12:30, 1:22.
9:35—Davis radio service.
9:50—Musical hodgepodge.
9:55—Public schools program. Literature.

10:15—Y. W. C. A. English lesson.
10:40—Burley program
10:55—Musical hodgepodge.
11:00—Whitney trio.
12:00—Noontime melodies.
12:15—Midday chimes. Dr. John L. Dickson.
12:33—News flashes.
12:45—Noontime melodies.
1:30—Columbia Broadcasting System. American School of the Air.
2:00—Davis radio service.
2:15—Whitney trio.
2:30—Musical potpourri.
3:30—Woman's calendar.
4:00—Illinois Federation of Women's Clubs.
4:15—News flashes.
4:30—Bridge game, Paul N. Seymour.
5:00—Topsy Turvy Time.
5:30—E-Z Mills program. The Three Doctors.
5:45—Model Airplane Club.
6:00—University of Chicago lecture.
6:15—Marcella Lally and Sol Stocco.
6:30—Arzen program. Joe Rudolph, pianist.
6:45—Maling Bros.' program.
7:00—Columbia Broadcasting System. Literary Digest. Lowell Thomas, author.
7:15—The Chicago Daily News feature. Dr. Herman N. Bundesen.
7:30—Columbia Broadcasting System. Kaltenborn edits the news.
7:45—Royal Blue program.
8:00—Kosto program.
8:30—Musical program.
9:00—Hydrox program.
9:30—Freeman foursome.
10:00—National Broadcasting Company. Amos 'n' Andy.
10:15—Daily News concert orchestra.
10:30—Dan and Sylvia.
10:40—Elgin time signal and weather report.
10:45—Daily News Concert Orchestra.
11:00 p. m. to 2:00 a. m.—Beach View orchestra and Uptown Village.

Friday.

6:00 a. m.—Musical hodgepodge.
6:30—Y. M. C. A. setting-up exercise.
7:30—Morning worship.
7:45—Columbia Broadcasting System. Old Dutch Girl.
7:59—Elgin time signal.
8:00—Columbia Broadcasting System. Something for Every One.
8:30—University of Chicago lecture. "The Economic Order," Prof. Harry D. Gideouse.
8:50—Musical hodgepodge.
9:00—The Question Box Man.
9:10—Public schools program. Art.
9:30—Board of Trade; also 10:30, 11:30, 12:30, 1:22.
9:35—Davis radio service.
9:50—Musical hodgepodge.
9:55—Public schools program. Art.
10:15—Musical hodgepodge.
10:40—Musical hodgepodge.
10:45—Stokely program.
11:00—Whitney trio.
11:33—Pianoland. Joe Rudolph.
12:00—Noontime melodies.
12:15—Midday chimes, Dr. John L. Dickson.
12:33—News flashes.
12:45—Noontime melodies.
1:30—Columbia Broadcasting System. American School of the Air.
2:00—Davis radio service.
2:15—Musical potpourri.
3:15—Burley program.
3:45—Woman's calendar with Kosto.
4:15—News flashes.
4:30—Columbia Broadcasting System.
4:45—Parent-Teacher Association.
5:00—Topsy Turvy Time.
5:30—Columbia Broadcasting System. My Bookhouse.
5:45—Harold Van Horne, pianist.
6:00—The Daily News concert orchestra.
6:15—Vapex program.

6:30—Columbia Broadcasting System. Musical program.
6:45—The Vagabonds.
7:00—Literary Digest. Lowell Thomas, author.
7:15—The Chicago Daily News feature. Lloyd Lewis, dramatic critic.
7:30—Columbia Broadcasting System. Weed tire chain program.
8:00—True Story hour.
9:00—Radio Follies.
9:30—Wieboldt program. Northwestern Singers.
10:00—National Broadcasting Company. Amos 'n' Andy.
10:15—Daily News orchestra.
10:30—Dan and Sylvia.
10:40—Elgin time signal and weather report.
10:45—Musical program.
11:00 p. m. to 2:00 a. m.—Beach View orchestra and Uptown Village.

Saturday.

6:00—Musical hodgepodge.
6:30—Y. M. C. A. setting-up exercises.
7:30—Morning worship.
7:45—Musical hodgepodge.
7:59—Elgin time signal.
8:00—Intermediate French. Jules Duc.
8:30—University of Chicago lecture. "The Economic Order," Prof. Harry D. Gideonse.
8:50—Musical hodgepodge.
9:00—The Question Box Man.
9:05—Wide-Awake Club.
9:30—Board of Trade; also 10:30, 11:30, 12:05.
9:35—Davis radio service.
9:50—Musical hodgepodge.
10:00—Woman's Calendar.
10:40—Columbia Broadcasting System. New York Philharmonic orchestra.
11:33—German, by William Kurath.
12:15—Noontime melodies.
12:30—News flashes.
12:45—Noontime melodies.
1:00—Advanced Spanish, by Howard Bechtolt.
1:30—Whitney trio.

2:00—Davis Radio Service.
2:15—Whitney trio.
2:30—Musical potpourri.
3:30—Columbia Broadcasting System. Spanish serenade.
3:45—Philadelphia Harmonic Band.
4:00—Italian. Countess Liza Cipriani.
4:30—Columbia Broadcasting System. Warwick hotel orchestra.
4:45—Studio program.
5:00—Topsy Turvy Time.
5:30—Elementary Spanish, by Howard Bechtolt.
6:00—Daily News concert orchestra.
6:45—Columbia Broadcasting System. Romance of American Industry.
6:30—Adult Education. John R. Cranor.
6:45—Blue Ribbon sports announcements, Hal Totten.
7:00—Columbia Broadcasting System. Literary Digest. Lowell Thomas, author.
7:15—The Chicago Daily News feature.
7:30—Columbia Broadcasting System. Dancing yesterdays.
7:45—Wallace Silversmiths.
8:00—Carborundum program.
8:30—Footlite Follies. Dr. Pratt and Dr. Sherman.
9:00—Columbia Broadcasting System. Hank Simmons showboat.
10:00—National Broadcasting Company. Amos 'n' Andy.
10:15—Daily News concert orchestra.
10:40—Elgin time signal and weather report.
10:45—Musical program.
11:00 p. m. to 2:00 a. m.—Beach View Gardens orchestra and Uptown Village.

Sunday.

9:00—Sunday school dramatization.
9:30—Musical program.
10:30—University of Chicago. Organ recital and service.
12:15—Musical program.
12:45—Church of the New Jerusalem, Swedenborgian.
1:00—Columbia Broadcasting System. Cathedral hour.
1:30—The Whitneys. Chamber music players.
2:00—Columbia Broadcasting System. New York Philharmonic orchestra.

4:00—Columbia Broadcasting System. Dr. Donald Grey Barnhouse.
4:30—Musical Pilgrimages, Marx and Anne Oberndorfer.
5:00—The Daily News string quartet.
5:30—"Poems, Old and New," Miss Elizabeth Hunt.
5:45—Harold Van Horne, pianist.
6:00—Columbia Broadcasting System. Father Charles E. Coughlin.
7:00—Columbia Broadcasting System. The World's Business.
7:15—Daily News concert orchestra.
7:30—Chicago Sunday Evening Club. Address by Dr. Ralph Sockman.
9:15—Harold Van Horne, pianist.
9:30—Utica-Mohawk orchestra.
10:00—Auld Sandy.
10:15—Elgin time signal and Ayer weather reports.
10:17—The Daily News concert orchestra.
10:30—Bible reading, by Bill Hay.
10:40—The Daily News concert orchestra.

1108-1110 35. State definite facts why the continued operation of the station will be in the public convenience, interest or necessity? See testimony and brief in high power hearing October 1930.

1111 Form No. 37-B.

Department of Commerce, U. S. Supervision of Radio, Chicago, Ill. Received Dec. 24, 1930.

Federal Radio Commission. Dec. 27, 1930.

Dec. 30, 1930.

File No.: ——. Official No.: 557. Call Letters: WGES. Class of Service: ——.

UNITED STATES OF AMERICA:

Federal Radio Commission.

Application for Renewal of Radio Broadcasting Station License.

(Submit in duplicate to District Supervisor of Radio in charge of District in which station is located. Swear to one copy.)

To the Federal Radio Commission:

1. Name of applicant:* Oak Leaves Broadcasting Station, Incorporated.

2. Post-office address: State, Illinois; City, Chicago; Street and number, 128 N. Crawford Ave.

3. Citizenship: American.

4. State whether applicant is a corporation, partnership, or association: Corporation.

5. If applicant is a corporation, state (*a*) Under laws of what State it is organized: Illinois. (*b*) May more than one-fifth of capital stock be voted by aliens or their representatives, or by a foreign government or representative thereof? No. (*c*) Is any director or officer an alien? If so, state his name and position: No. (*d*) If applicant is a subsidiary, state name and address of parent company and under laws of what State or country parent company is organized: Yes, Guyon, Inc., 4000 Washington Blvd. Organized under laws of Illinois. (*e*) Whether stock is to be sold for the purpose of raising money to operate station: No.

1112-1115 6. State fully the facts showing applicant's financial responsibility with respect to operation of this station: Mr. J. Louis Guyon owns biggest percentage of stock of Guyon, Inc., incorporated for $3,500,000. He is also the holder of other valuable holdings on the West Side of Chicago.

7. Is applicant a representative of an alien or foreign Government? No.

* If a corporation, state corporate name; if a partnership, state names of all partners and the name under which the partnership does business; if an unincorporated association, state the name of an executive officer, the office held by him, and the name of the association. The same name or names should be signed in the place provided at the end of application, except that in the case of a partnership the application may be signed in the name of the partnership by one of the partners. This application must be executed and signed in the name which appears on the license for which renewal is requested, unless there has been an assignment of the license with the written consent of the Commission.

8. Has the applicant, since February 23, 1927, been finally adjudged guilty by any Federal court of unlawfully monopolizing, or attempting unlawfully to monopolize, radio communication through control of manufacture or sale of radio apparatus, exclusive traffic arrangements, or any other means, or of unfair methods of competition? No.

9. State applicant's relation to station (whether applicant is owner or lessee, and if not, nature of applicant's interest in use and control of station): Owner.

10. If applicant is not owner of station, who is? ——.

11. File number and date of license sought to be renewed: 557-4 R. B. July 7, 1930.

12. The existing license authorizes the use of: (*a*) Frequency, 1360 kilocycles. (*b*) Power output for daytime operation, 500 watts; 1000 Sunday; Nighttime, 500 watts. (*c*) Hours of operation, 3/7 time. (*d*) Call letters, WGES.

13. Under existing license, state (*a*) Average per cent of time weekly, devoted to following services: (1) Entertainment, 50; (2) Religious, 5; (3) Commercial, 25; (4) Educational, 15; (5) Agricultural, 5; (6) Fraternal, ——; (7) ——; (*b*) Average number of hours per month station has operated during present license period, 232; (*c*) Does applicant sell time? Yes; (*d*) If applicant does not sell time, how is station supported? ——. (*e*) Number of weekly hours of sponsored programs is, 16; of direct advertising programs is, None; (*f*) Are merchandise prices quoted in interest of applicant? No; or others? Very infrequently.

* * * * * * *

1116 27. Specify actual periods station has been operated since effective date of existing license:

	A.M.		P.M.				Total daily hours
Sunday ..	11:45 to 1:00 P.M.		4:00 to 7:30	9:00 to 10:45	12 to 2 A.M.		8
Monday ..	8:30 to 11:00 A.M.		4:00 to 7:00	9:00 to 10:30			7
Tuesday ..	"	"	"	"	"	"	7
Wednesday	"	"	"	"	"	"	7
Thursday .	"	"	"	"	"	"	9
Friday ...	"	"	"	"	"	"	9
Saturday .	"	"	"	"	"	"	7
Total weekly hours							54

28. Does station divide time? Yes. If so, with what station? WJKS.

29. State average number of hours per month station will be operated during each month in the summer, 232; Each month in the winter, 232.

30. Does station obtain programs from what is known as a "chain"? No. (*a*) Name of chain, ——. (*b*) What is total hours per week of chain programs (i. e., programs, both paid or sustaining, which are duplicated by any other station)? ——.

31. (*a*) Attach printed program for week last preceding date of this application.

1117-1118 35. State definite facts why the continued operation of the station will be in the public convenience, interest, or necessity? Complete type of broadcasting service, entertainment, employment relief, boy scout, Salvation Army, Church, Sport, educational, governmental reports, etc., warrants continued operation of WGES, which has so long consistently served Chicago area.

1119 APP. EXHIBIT 16.

1120 Form No. 37-B.

Department of Commerce, U. S. Supervisor of Radio, Chicago, Ill. Received Dec. 16, 1930.

Federal Radio Commission. Dec. 18, 1930.

Ack. 12-20-30. S. D. H.

File No.: ——. Official No.: 547. Call Letters: WAAF. Class of Service: ——.

UNITED STATES OF AMERICA:

Federal Radio Commission.

Application for Renewal of Radio Broadcasting Station License.

(Submit in duplicate to District Supervisor of Radio in charge of District in which station is located. Swear to one copy.)

To the Federal Radio Commission:

1. Name of applicant:* Drovers Journal Publishing Company.

* If a corporation, state corporate name; if a partnership, state names of all partners and the name under which the partnership does business; if an unincorporated association, state the name of an executive officer, the office held by him, and the name of the association. The same name or names should be signed in the place provided at the end of application, except that in the case of a partnership the application may be signed in the name of the partnership by one of the partners. This application must be executed and signed in the name which appears on the license for which renewal is requested, unless there has been an assignment of the license with the written consent of the Commission.

2. Post-office address: State, Illinois; City, Chicago; Street and number, 836 Exchange Avenue.

3. Citizenship: United States of America.

4. State whether applicant is a corporation, partnership, or association: Corporation.

5. If applicant is a corporation, state (*a*) under laws of what State it is organized: Illinois. (*b*) May more than one-fith of capital stock be voted by aliens or their representatives, or by a foreign government or representative thereof? No. (*c*) Is any director or officer an aiien? If so, state his name and position: None. (*d*) If applicant is a subsidiary, state name and address of parent company and under laws of what State or country parent company is organized: Corn Belt Publishers, Incorporated, a Delaware Corporation. (*e*) Whether stock is to be sold for the purpose of raising money to operate station: No.

1121-1124 6. State fully the facts showing applicant's financial responsibility with respect to operation of this station: Established 1873. Authorized Capital $200,000.00 fully paid.

7. Is applicant a representative of an alien or foreign Government? No.

8. Has the applicant, since February 23, 1927, been finally adjudged guilty by any Federal court of unlawfully monopolizing, or attempting unlawfully to monopolize, radio communication through control of manufacture or sale of radio apparatus, exclusive traffic arrangements, or any other means, or of unfair methods of competition? No.

9. State applicant's relation to station (whether applicant is owner or lessee, and if not, nature of applicant's interest in use and control of station) : Owner.

10. If applicant is not owner of station, who is? ——.

11. File number and date of license sought to be renewed: 4-R-B-547, October 6, 1930.

12. The existing license authorizes the use of: (*a*) Frequency, 920 kilocycles. (*b*) Power output for daytime operation, 500 watts; Nighttime, None. (*c*) Hours of operation, Daytime hours. (*d*) Call letters, WAAF.

13. Under existing license, state (*a*) Average per cent of time weekly, devoted to following services: (1) Entertainment, None; (2) Religious, None; (3) Commercial, None;

(4) Educational, None; (5) Agricultural, 9:30; (6) Fraternal, None; (7) ——. (*b*) Average number of hours per month station has operated during present license period: 40. (*c*) Does applicant sell time? No. (*d*) If applicant does not sell time, how is station supported? Solely by the Drovers Journal Publishing Company. (*e*) Number of weekly hours of sponsored programs is None; of direct advertising programs is None. (*f*) Are merchandise prices quoted in interest of applicant? No; or others? No.

1125 27. Specify actual periods station has been operated since effective date of existing license:

	A. M.			P. M.			Total daily hours.
Sunday							
Monday	8:45;	10:30;	11:00;	12:30;	1:00;	4:30	1:40
Tuesday	"	"	"	"	"	"	1:40
Wednesday	"	"	"	"	"	"	1:40
Thursday	"	"	"	"	"	"	1:40
Friday	"	"	"	"	"	"	1:40
Saturday	"	"	"	"	x	x	1:10
Total weekly hours							9:30

28. Does station divide time? No. If so, with what station? ——.

29. State average number of hours per month station will be operated during each month in the summer: 40 hours; Each month in the winter, 40 hours.

30. Does station obtain programs from what is known as a "chain"? No. (*a*) Name of chain: ——. (*b*) What is total hours per week of chain programs (i. e., programs, b— are duplicated by any other station)? None.

31. (*a*) Attach printed program for week last preceding date of this application — . (*b*) Are phonographic or mechanical reproductions used? No. If —.

Daily Market Programs.

Central standard time—Daily except Sunday and as noted. Station WAAF (Drovers Journal), 326 meters or 920 kilocycles.

8:45 a. m.—Estimated receipts of cattle, hogs and sheep at Chicago for the current day; holdover of hogs for pre-

vious day and opening hog market, based on actual transactions up until that hour.

10:30 a. m.—Daily weather forecast for Chicago and vicinity; state forecast for Illinois, Indiana, Michigan, Wisconsin, Iowa, Minnesota, North and South Dakota; shippers' advice: daily aviation forecast.

11:00 a. m.—Estimated receipts of cattle, hogs and sheep for day. Cattle market, hog market and sheep market to hour of sending. Available top price quotations and range of bulk of sales. Estimated receipts of cattle, hogs and sheep at Chicago for the following day.

12:30 p. m.—Special noon weather reports, same as at 10:30. Saturday only—weekly weather outlook. On Saturday the regular 11:45 reports follow this immediately.

1:00 p. m. (except Saturday)—Estimated receipts of cattle, hogs and sheep for the day. Cattle, hog and sheep market, including range of prices of various classes and grades. Estimate of cattle, hog and sheep run for following day.

4:30 p. m.—Eastern meat trade conditions. (No report at this hour Saturday.)

1126-1129 35. State definite facts why the continued operation of the station will be in the public convenience, interest, or necessity? Chicago is recognized as the basic live stock market of the United States. It is the largest market, and for over half a century its leadership in live stock trade has been unquestioned. This is a factor in the live stock business all over the United States every day of the week. Thus Chicago should have the best available facilities for the dissemination of market information. Recognizing this, the Drovers Journal Publishing Company in 1922 established radio broadcasting station WAAF, located in the Chicago Union Stock Yards, from which date market reports have been broadcast without a lapse to this date. WAAF has never occupied time not allotted to it, nor has it ever knowingly varied from its authorized wave length. The market reports have been without exception the official reports of the United States Government, prepared by the Bureau of Agricultural Economics, which maintains a branch office at the Chicago Union Stock Yards. Because of the location of Station

WAAF, within the Stock Yards, it is in position to give vital market information in advance of any other station.

The continued operation of this station is in the interest of farmers over a wide area as well as those engaged in the buying and selling of live stock. WAAF, operated continuously since 1922, has come to be regarded as a necessity. The station has been and is now operated without material reward, other than such good will as the service rendered might create for the Chicago Daily Drovers Journal, a daily newspaper having a large circulation among farmers in the Corn Belt who are producers of live stock.

1130 Form No. 37-B.

Department of Commerce, U. S. Supervisor of Radio, Chicago, Ill. Received Dec. 31, 1930.

Federal Radio Commission, Jan. 2, 1931.

File No.: ——. Official No.: 549. Call Letters: WCFL. Class of Service: ——.

UNITED STATES OF AMERICA:

Federal Radio Commission.

Application for Renewal of Radio Broadcasting Station License.

(Submit in duplicate to District Supervisor of Radio in charge of District in which station is located. Swear to one copy.)

Jan. 5, 1931.

To the Federal Radio Commission:

1. Name of applicant:* Chicago Federation of Labor.

* If a corporation, state corporate name; if a partnership, state names of all partners and the name under which the partnership does business; if an unincorporated association, state the name of an executive officer, the office held by him, and the name of the association. The same name or names should be signed in the place provided at the end of application, except that in the case of a partnership the application may be signed in the name of the partnership by one of the partners. This application must be executed and signed in the name which appears on the license for which renewal is requested, unless there has been an assignment of the license with the written consent of the Commission.

2. Post-office address: State, Illinois; City, Chicago; Street and number, 623-633 South Wabash Avenue.

3. Citizenship, U. S.

4. State whether applicant is a corporation, partnership, or association: Voluntary organization of labor unions affiliated with the American Fed. of Labor.

5. If applicant is a corporation, state (*a*) Under laws of what State is is organized: ——. (*b*) May more than one-fifth of capital stock be voted by aliens or their representatives, or by a foreign government or representative thereof? No. (*c*) Is any director or officer an alien? If so, state his name and position: No. (*d*) If applicant is a subsidiary, state name and address of parent company and under laws of what State or country parent company is organized: Subsidiary of American Federation of Labor. (*e*) Whether stock is to be sold for the purpose of raising money to operate station: No.

1131-1134 6 State fully the facts showing applicant's financial responsibility with respect to operation of this station: Applicant owns its own broadcasting plant free from debt; has a large, regular income from dues and contributions from many labor unions; has the moral and financial backing of the American Federation of Labor and of all Organized Labor in North America; has contract for substantial contributions, quarterly with a number of Farmers' Unions throughout the Middle West, and has advertising contracts with reputable business concerns, which furnish about ½ of all expense of operating the broadcast station.

7. Is applicant a representative of an alien or foreign Government? No.

8. Has the applicant, since February 23, 1927, been finally adjudged guilty by any Federal court of unlawfully monopolizing, or attempting unlawfully to monopolize, radio communication through control of manufacture or sale of radio apparatus, exclusive traffic arrangements, or any other means, or of unfair methods of competition? No.

9. State applicant's relation to station (whether applicant is owner or lessee, and if not, nature of applicant's interest in use and control of station): Owner. (Applicant has officially and publicly announced that it holds this station as Trustee for the American Federation of Labor and the entire Labor Movement of America.)

10. If applicant is not owner of station, who is? ——.

11. File number and date of license sought to be renewed: 4-R-B-549, Oct. 6, 1930.

12. The existing license authorizes the use of: (*a*) Frequency, 970 kilocycles. (*b*) Power output for daytime operation, 1500 watts; Nighttime, 1500 watts. (*c*) Hours of operation: 6:00 A. M. to 8:30 P. M. (C. S. T.). (*d*) Call letters, WCFL.

13. Under existing license, state (*a*) Average per cent of time weekly, devoted to following services: (1) Entertainment, 66%; (2) Religious, 3; (3) Commercial, 4; (4) Educational, 10; (5) Agricultural, 7; (6) Fraternal, 10; (7) ——. (*b*) Average number of hours per month station has operated during present license period, 390. (*c*) Does applicant sell time? Yes. (*d*) If applicant does not sell time, how is station supported? Also by voluntary contributions of Farmer and Labor Unions. (*e*) Number of weekly hours of sponsored programs is 4; of direct advertising programs is None. (*f*) Are merchandise prices quoted in interest of applicant? Yes; or others? No.

1135 27. Specify actual periods station has been operated since effective date of existing license:

	A. M.	P. M.	Total daily hours
Sunday	10:00	8:30	10½
Monday	6:00	8:30	14½
Tuesday	6:00	8:30	14½
Wednesday	6:00	8:30	14½
Thursday	6:00	8:30	14½
Friday	6:00	8:30	14½
Saturday	6:00	8:30	14½
Total weekly hours			97½

28. Does station divide time? No. If so, with what station? ——.

29. State average number of hours per month station will be operated during each month in the summer, 540; Each month in the winter, 450.

30. Does station obtain programs from what is known as a "chain?" Yes. (*a*) Name of chain, National Broadcasting Co. (*b*) What is total hours per week of chain program (i. e., programs, both paid or sustaining, which

are duplicated by any other station)? 4 hrs.—None duplicated locally.

31. (*a*) Attach printed program for week last preceding date of this application.

1135½-1136 WCFL Radio.

309.1 Meters. Chicago, 970 Kilo.

Operating on Central Standard Time.

Navy Pier.

Saturday, December 27, 1930.

6:00- 6:30 A. M.—WCFL Health Exercises.
6:30- 7:00 A. M.—Erly Rizers Club.
7:00- 7:30 A. M.—Morning Shuffle.
7:30- 8:00 A. M.—The Song Shop.
8:00- 8:15 A. M.—WCFL Aeroplane Club.
8:15- 8:30 A. M.—Marimbalists.
8:30- 8:45 A. M.—Evans Furriers.
8:45- 9:00 A. M.—Radio Shoppers Club.
9:00- 9:15 A. M.—Lane Bryant Shopping News.
9:15- 9:30 A. M.—Vision Program.
9:30-10:00 A. M.—Musical Morsels.
10:00-10:15 A. M.—NBC Recitalists.
10:15-10:30 A.M.—Old Times Hoe-Down.
10:30-11:00 A. M.—Flashes of Opera.
11:00-11:30 A. M.—Variety Hour.
11:30-12:45 P. M.—Organ recital by Al Carney.
12:45- 1:00 P. M.—Farm Talk.
1:45- 2:00 P. M.—Merry Garden Ballroom—Marathon.
2:00- 2:30 P. M.—Timely Topics by Henry F. Parks.
2:30- 3:00 P. M.—Shelby Nichols, Baritone, Della Bartels, Soprano.
3:00- 4:00 P. M.—Organ recital by Al Carney.
4:00- 4:30 P. M.—Junior Federation Club.
4:30- 4:40 P. M.—John Maxwell, Food Talk.
4:40- 4:45 P. M.—Pauline Stephens, Soprano.
4:45- 5:00 P. M.—WCFL Radio Study Club.
5:00- 5:15 P. M.—Thermin Program with Charles Stein.
5:15- 5:30 P. M.—Merry Garden Ballroom Orchestra.

Chicago Bakers' Radio Concert.

Following its annual custom the Chicago Bakers' Singing Society, assisted by a number of soloists, will give a concert from the studios of Station WCFL, Chicago, which is scheduled to take place tonight, December 27th, at 7:20 P. M., lasting until 8 o'clock. Under the direction of its able conductor, Mr. A. F. Rehberg, approximately sixty singers will appear. The following program will be rendered:

1. (a) Sonntagsfeier ..... Wengert
   (b) Beim Kronenwirt ..... Winkelhake
   Chicago Bakers' Singing Society.
2. Duet
   (a) Wanderer's Nachtlied ..... Rubinstein
   (b) Du bist die Ruh' ..... Schubert
   Mrs. Elsie Nimtz and Mrs. Anna Weiss
3. (a) Matrosengrab ..... Sonnet
   (b) Tord Foleson ..... Uthmann
   Chicago Bakers' Singing Society.
4. Solo
   Raymond Brennan, the Irish Tenor.
5. Duet
   Treibe Schifflein ..... Kuecken
   Mrs. Elsie Nimtz and Mrs. Anna Weiss.

The Chicago Bakers' Singing Society has splendid vocal talent among its ranks and all listening in tonight will be assured of an outstanding musical treat. Be sure to tune in tonight at 7:20 o'clock Central Standard Time. Station WCFL, the Voice of Labor, which is owned and operated by the Chicago Federation of Labor, operates on 970 Kilocycles (309 meters). As on former occasions the program will be announced by International Secretary Charles F. Hohmann.

5:30- 5:45 P. M.—Insurance Talk by J. C. McMahon.
5:45- 6:00 P. M.—WCFL All Star Orchestra.
6:00- 6:30 P. M.—De Luxe Variety—Ferdina Capparelli, The Madcap Senorita.
6:30- 7:00 P. M.—Amedio Brothers.
7:00- 7:20 P. M.—Old Time Program, Al Carney and Jack Lamey—Organ.
7:20- 8:00 P. M.—German Singers—Jack Zamford.

8:00- 8:10 P. M.—Adolph & Rudolph, Comedy Team, Kaufman Clothes.
8:10- 8:15 P. M.—Tom Kras, Saxophone Solos.
8:15- 8:25 P. M.—Gately's, Sambo, Ed and Mandy.
8:25- 8:30 P. M.—WCFL Orchestra.

Sunday, December 28.

10:00-10:15 A. M.—International Bible Students Association.
10:15-12:00 Noon—Musical High Lights.
12:00- 1:00 P. M.—Organ recital by Al Carney and Jack Lamey.
1:00- 2:00 P. M.—Brunskick's Lithuanian Hour.
2:00- 3:00 P. M.—Brunswick's Polish Hour.
3:00- 3:30 P. M.—Merry Garden Ballroom.
3:30- 4:00 P. M.—Al Carney & Jack Lamey, Buddy Program.
4:00- 5:00 P. M.—Musical Interlude, featuring Vella Cook, Contralto, with WCFL Orchestra Soloists.
5:00- 5:30 P. M.—Spanish Program.
5:30- 6:00 P. M.—Organ recital—Your Hour—Al Carney, Jack Lamey.
6:00- 7:00 P. M.—German Radio Hour.
7:00- 8:00 P. M.—Irish Program with Tom Ennis and Maurice Lynch, Al Carney at Organ, sponsored by St. Carmen No. 241.
8:00- 8:30 P. M.—Swedish Program.

Monday, December 29.

6:00- 6:30 A. M.—WCFL Health Exercises.
6:30- 7:00 A. M.—Erly Rizers Club.
7:00- 7:30 A. M.—Morning Shuffle.
7:30- 8:00 A. M.—The Song Shop.
8:00- 8:15 A. M.—WCFL Aeroplane Club.
8:15- 8:30 A. M.—From the Coral Seas.
8:30- 8:45 A. M.—Evans Furriers.
8:45- 9:00 A. M.—Radio Shoppers Club.
9:15- 9:30 A. M.—Vision Program.
9:30-10:00 A. M.—Old Time Hoe-Down.
10:00-10:15 A. M.—NBC Recitalists.

10:15-10:30 A. M.—Variety Program.
10:30-11:00 A. M.—From the Emerald Isle.
11:00-11:30 A. M.—Music Hall Echoes.
11:30-12:45 P. M.—Organ recital by Al Carney.
12:45- 1:00 P. M.—Farm Talk.
1:45- 2:00 P. M.—Merry Garden Ballroom—Marathon.
2:00- 2:15 P. M.—Timely Topics by Henry Francis Parks.
2:15- 2:30 P. M.—Musical Lights over NBC Network.
2:30- 3:00 P. M.—Helen Sitnek, Soprano—Rocco Dabicci, Italian Tenor.
3:00- 4:00 P. M.—Organ recital by Al Carney.
4:00- 4:30 P. M.—Junior Federation Club.
4:30- 4:40 P. M.—John Maxwell, Food Talk.
4:40- 4:45 P. M.—Pauline Stephens, Soprano.
4:45- 5:00 P. M.—WCFL Radio Study Club.
5:00- 5:15 P. M.—WCFL Orchestra.
5:15- 5:30 P. M.—Merry Garden Ballroom Orchestra.
5:30- 5:45 P. M.—John Reddington, Chicago's Entertaining Fireman.
5:45- 6:00 P. M.—Women's Trade Union League.
6:00- 6:15 P. M.—WCFL Novelty Orchestra.
6:15- 6:25 P. M.—Municipal Talk.
6:25- 6:30 P. M.—Paul Zim, Violin Solos.
6:30- 6:45 P. M.—De Luxe Variety, Mary Ellen Daniels, Blues Singer.
6:45- 7:00 P. M.—Talk by Samuel Plame.
7:00- 7:20 P. M.—Organ recital by Al Carney and Jack Lamey.
7:20- 7:30 P. M.—Printing Trades Union.
7:30- 7:45 P. M.—Single Tax Talk.
7:45- 7:55 P. M.—Bulletin Board, Labor Flashes, U. S. Agricultural and Weather Reports.
7:55- 8:00 P. M.—WCFL Orchestra with Ferdina Juliette Capparelli.
8:00- 8:10 P. M.—Adolph & Rudolph, Comedy Team, Kaufman Clothes.
8:10- 8:15 P. M.—Marimba Solos by Joe Suchomski.
8:15- 8:25 P. M.—Gately's, Sambo, Ed and Mandy.
8:25- 8:30 P. M.—WCFL Orchestra.

Tuesday, December 30.

6:00- 6:30 A. M.—WCFL Health Exercises.
6:30- 7:00 A. M.—Erly Rizers Club.

7:00- 7:30 A. M.—Morning Shuffle.
7:30- 8:00 A. M.—The Song Shop.
8:00- 8:15 A. M.—WCFL Aeroplane Club.
8:15- 8:30 A. M.—Marimbalists.
8:30- 8:45 A. M.—Evans Furriers.
8:45- 9:00 A. M.—Radio Shoppers Club.
9:00- 9:15 A. M.—Lane Bryant Shopping News.
9:15- 9:30 A. M.—Vision Program.
9:30-10:15 A. M.—Old Time Hoe-Down.
10:15-10:30 A. M.—Variety Program.
10:30-11:00 A. M.—Ballet Music.
11:00-11:30 A. M.—Music Hall Echoes.
11:30-12:45 P. M.—Organ recital by Al Carney.
12:45- 1:00 P. M.—Farm Talk.
1:45- 2:00 P. M.—Merry Garden Ballroom—Marathon.
2:00- 2:15 P. M.—Timely Topics by Henry F. Parks.
2:15- 2:30 P. M.—Musical Lights over NBC Network.
2:30- 3:00 P. M.—The Three Diamonds.
3:00- 4:00 P. M.—Recital by Mary Lavery, Soprano, Al Carney, Organ.
4:00- 4:30 P. M.—Junior Federation Club.
4:30- 4:40 P. M.—John Maxwell, Food Talk.
4:40- 4:45 P. M.—Pauline Stephens, Soprano.
4:45- 5:00 P. M.—WCFL Radio Study Club.
5:00- 5:15 P. M.—WCFL Orchestra and Viva Jane De-Miller, Contralto.
5:15- 5:30 P. M.—Merry Garden Ballroom Orchestra.
5:30- 5:45 P. M.—Bakery and Confectionery Workers.
5:45- 6:00 P. M.—L. P. Straube, Analyzing Labor's Problems.
6:00- 6:15 P. M.—WCFL Novelty Orchestra.
6:15- 6:25 P. M.—Adult Education Council. Dr. Horace J. Bridges, Chicago Ethical Society.
6:25- 6:30 P. M.—Louis Ridley, Trumpet Solos.
6:30- 6:45 P. M.—WCFL Novelty Orchestra, Ruth Rutkowski, Blues Singer.
6:45- 7:00 P. M.—Mary Jenkins, Soprano.
7:00- 7:20 P. M.—Organ recital, Al Carney and Jack Lamey.
7:20- 7:30 P. M.—Bulletin Board, Labor Flashes, U. S. Agricultural and Weather Reports.
7:30- 7:45 P. M.—WCFL Orchestra.
7:45- 8:00 P. M.—De Luxe Variety Program.

8:00- 8:10 P. M.—Adolph & Rudolph, Comedy Team, Kaufman Clothes.
8:10- 8:15 P. M.—Piano Solos, Arthur Koch.
8:15- 8:25 P. M.—Gately's, Sambo, Ed and Mandy.
8:25- 8:30 P. M.—WCFL Orchestra.

Wednesday, December 31.

6:00- 6:30 A. M.—WCFL Health Exercises.
6:30- 7:00 A. M.—Erly Rizers Club.
7:00- 7:30 A. M.—Morning Shuffle.
7:30- 8:00 A. M.—The Song Shop.
8:00- 8:15 A. M.—WCFL Aeroplane Club.
8:15- 8:30 A. M.—From the Coral Seas.
8:30- 8:45 A. M.—Evans Furriers.
8:45- 9:00 A. M.—Radio Shoppers Club.
9:00- 9:15 A. M.—Lane Bryant Shopping News.
9:15- 9:30 A. M.—Vision Program.
9:30-10:15 A. M.—Old Time Hoe-Down.
10:15-10:30 A. M.—Variety Hour.
10:30-11:00 A. M.—From the Operettas.
11:00-11:30 A. M.—Music Hall Echoes.
11:30-12:45 P. M.—Organ recital by Al Carney.
12:45- 1:00 P. M.—Farm Talk.
1:45- 2:00 P. M.—Merry Garden Ballroom—Marathon.
2:00- 2:15 P. M.—Timely Topics by Henry F. Parks.
2:15- 2:30 P. M.—Musical Lights over NBC Network.
2:30- 3:00 P. M.—The Three Diamonds and Mary Edelson.
3:00- 4:00 P. M.—Organ recital by Al Carney.
4:00- 4:30 P. M.—Junior Federation Club.
4:30- 4:40 P. M.—John Maxwell, Food Talk.
4:40- 4:45 P. M.—Pauline Stephens, Soprano.
4:45- 5:00 P. M.—WCFL Radio Study Club.
5:00- 5:15 P. M.—WCFL Orchestra.
5:15- 5:30 P. M.—Merry Garden Ballroom Orchestra.
5:30- 6:00 P. M.—WCFL Novelty Orchestra, Mary Ellen Daniels, Blues Singer.
6:00- 6:15 P. M.—Marimba Solos—Joe Suchomski.
6:15- 6:30 P. M.—Municipal Talk.
6:30- 6:45 P. M.—WCFL Orchestra, Jacob H. Sonenklar, Tenor.
6:45- 7:00 P. M.—De Luxe Variety.

7:00- 7:30 P. M—Special Program by Humboldt State Bank.
7:30- 8:00 P. M.—Chevrolet Chronicles.
8:00- 8:10 P. M.—Adolph & Rudolph, Comedy Team, Kaufman Clothes.
8:10- 8:15 P. M.—Paul Zimm, Violin Solos.
8:15- 8:25 P. M.—Gately's, Sambo, Ed and Mandy.
8:25- 8:30 P. M.—WCFL Orchestra.

Thursday, January 1, 1931.

6:00- 6:30 A. M.—WCFL Health Exercises.
6:30- 7:00 A. M.—Erly Rizers Club.
7:00- 7:30 A. M.—Morning Shuffle.
7:30- 8:00 A. M.—The Song Shop.
8:00- 8:15 A. M.—WCFL Aeroplane Club.
8:15- 8:30 A. M.—Marimbalists.
8:30- 8:45 A. M.—Evans Furriers.
8:45- 9:00 A. M.—Radio Shoppers Club.
9:00- 9:15 A. M.—Lane Bryant Shopping News.
9:15- 9:30 A. M.—Vision Program.
9:30-10:15 A. M.—Old Time Hoe-Down.
10:15-10:30 A. M.—Variety Program.
10:30-10:45 A. M.—Flashes of Opera.
10:45-11:00 A. M.—Sweet and Low, over NBC network.
11:00-11:30 A. M.—Music Hall Echoes.
11:30-12:45 P. M.—Organ recital by Al Carney.
12:45- 1:00 P. M.—Farm Talk.
1:45- 2:00 P. M.—Merry Garden Ballroom—Marathon.
2:00- 2:15 P. M.—Timely Topics by Henry F. Parks.
2:15- 2:30 P. M.—Musical Lights over NBC Network.
2:30- 2:45 P. M.—Florence Goldstein, Soprano.
2:45- 3:00 P. M.—Ruby Marchant, Comedy Skits.
3:00- 4:00 P. M.—Organ recital by Al Carney.
4:00- 4:30 P. M.—Junior Federation Club.
4:30- 4:40 P. M.—John Maxwell, Food Talk.
4:40- 4:45 P. M.—Pauline Stephens, Soprano.
4:45- 5:00 P. M.—WCFL Radio Study Club.
5:00- 5:15 P. M.—WCFL Orchestra.
5:15- 5:30 P. M.—Merry Garden Ballroom Orchestra.
5:30- 6:00 P. M.—WCFL All Star Orchestra.
6:00- 6:15 P. M.—Chas. F. Wills, Member Executive Board C. F. of L.

6:15- 6:30 P. M.—De Luxe Variety with Edgar Scott, Tenor.
6:30- 6:45 P. M.—Amedio Brothers.
6:45- 7:00 P. M.—Marcia Sandahl, Contralto.
7:00- 7:20 P. M.—Your Hour, Al Carney and Jack Lamey.
7:20- 7:30 P. M.—WCFL Orchestra and Louis Ridley—Trumpet Solos.
7:30- 7:45 P. M.—Bulletin Board, Labor Flashes, U. S. Agricultural and Weather Reports.
7:45- 8:00 P. M.—Variety Program.
8:00- 8:10 P. M.—Adolph & Rudolph, Comedy Team, Kaufman Clothes.
8:10- 8:15 P. M.—Saxophone Solos, Tom Kras.
8:15- 8:25 P. M.—Gately's, Sambo, Ed and Mandy.
8:25- 8:30 P. M.—WCFL Orchestra.

Friday, January 2.

6:00- 6:30 A. M.—WCFL Health Exercises.
6:30- 7:00 A. M.—Erly Rizers Club.
7:00- 7:30 A. M.—Morning Shuffle.
7:30- 8:00 A. M.—The Song Shop.
8:00- 8:15 A. M.—WCFL Aeroplane Club.
8:15- 8:30 A. M.—From the Coral Seas.
8:30- 8:45 A. M.—Evans Furriers.
8:45- 9:00 A. M.—Radio Shoppers Club.
9:00- 9:15 A. M.—Lane Bryant Shopping News.
9:15- 9:30 A. M.—Vision Program.
9:30-10:15 A. M.—Old Time Hoe-Down.
10:15-10:30 A. M.—Variety Program.
10:30-11:00 A. M.—Gordon String Quartette over NBC.
11:00-11:30 A. M.—Music Hall Echoes.
11:30-12:00 Noon—Wings of Song over NBC network.
12:00-12:45 P. M.—Organ recital by Al Carney.
12:45- 1:00 P. M.—Farm Talk.
1:45- 2:00 P. M.—Merry Garden Ballroom—Marathon.
2:00- 2:15 P. M.—Timely Topics by H. F. Parks, Bert Bowlen.
2:15- 2:45 P. M.—U. S. Navy Band over NBC network.
2:45- 3:00 P. M.—Dorothy Paxton, Soprano and Mildred Grey, Blues Singer.
3:00- 4:00 P. M.—Organ recital by Al Carney.
4:00- 4:30 P. M.—Junior Federation Club.

4:30- 4:40 P. M.—John Maxwell, Food Talk.
4:40- 4:45 P. M.—Pauline Stephens, Soprano.
4:45- 5:00 P. M.—WCFL Radio Study Club.
5:00- 5:15 P. M.—WCFL Orchestra.
5:15- 5:30 P. M.—Merry Garden Ballroom Orchestra.
5:30- 5:45 P. M.—WCFL All Star Orchestra.
5:45- 6:00 P. M.—Union Label League Delegate.
6:00- 6:15 P. M.—Municipal Talk.
6:15- 6:30 P. M.—Basch Musical Program.
6:30- 7:00 P. M.—DeLuxe Variety with Ruth Rutkowski, Blues Singer.
7:00- 8:00 P. M.—Jewish Musical Hour.
8:00- 8:10 P. M.—Adolph & Rudolph, Comedy Team, Kaufman Clothes.
8:10- 8:15 P. M.—Piano Solos by Arthur Koch.
8:15- 8:25 P. M.—Gately's, Sambo, Ed and Mandy.
8:25- 8:30 P. M.—WCFL Orchestra.

WCFL Renders Hydrographic Service of the U. S. Navy.

1137-1140 35. State definite facts why the continued operation of the station will be in the public convenience, interest, or necessity? See attached.

1. The station is owned by the Chicago Federation of Labor, and has the direct, affirmative support, advice and cooperation of the American Federation of Labor and all National and International labor unions. The membership of these unions aggregate more than four million persons. They reside in every part of the North American continent. About one million of them reside within a radius of 300 miles from Chicago, and one half a million in Chicago and its suburbs. The members of these labor unions and their families comprise nearly one-fifth of the entire population of the country. Besides these, the Organized Labor Movement speaks for, protects and guards the interests of the many millions of unorganized workers. Organized Labor has certain fundamental principles, policies and ideals which it desires to promulgate, and which have in the past and will in the future be of the utmost value not only to the members themselves, but to the entire public.

WCFL is the only radio broadcasting station in the country, and probably in the world, owned and operated

in the interest of Organized Labor. It is the Voice of Labor. It is not operated for profit, but is built and supported by voluntary contributions — labor unions and listeners. All of the other stations (except a few minor ones owned by educational or religious institutions) are owned by and operated in the interests of Capital for commercial profit.

The newspapers of the country are nearly all controlled by Capital. It is about impossible to promulgate through the press a fair and true statement of Labor's principles, policies and ideals. In times of industrial controversy, the newspapers habitually publish distorted and untrue statements concerning the facts involved. Almost without exception, the public is grossly misled as to Labor's demands, policies and conduct. It is of the gravest importance to all workingmen and to the general public that at least one great channel of communication be kept open for the dissemination of Labor's point of view, principles and ideals.

2. Station WCFL has the affirmative support of organizations of Farmers throughout the country. They contribute to its support and are granted a substantial share of time for broadcasting matters in which they are specially interested.

1141 Form No. 37-B.

Department of Commerce, U. S. Supervisor of Radio Chicago, Ill. Received Dec. 30, 1930.

Federal Radio Commission. Jan. 5, 1931.

File No.: 4-L-B-363. Official No.: 558. Call Letters: W.K.B.I. Class of Service: Broad.

UNITED STATES OF AMERICA:

Federal Radio Commission.

Application for Renewal of Radio Broadcasting Station License.

(Submit in duplicate to District Supervisor of Radio in charge of District in which station is located. Swear to one copy.)

Jan. 19, 1931.

To the Federal Radio Commission:

1. Name of applicant:* Fred L. Schoenwolf.

2. Post-office address: State, Illinois; City, Chicago; Street and number, 1917 Warner Avenue.

3. Citizenship: American.

4. State whether applicant is a corporation, partnership, or association: Individual.

5. If applicant is a corporation, state (*a*) Under laws of what State it is organized: ——. (*b*) May more than one-fifth of capital stock be voted by aliens or their representatives, or by a foreign government or representative thereof? ——. (*c*) Is any director or officer an alien? If so, state his name and position: ——. (*d*) If applicant is a subsidiary, state name and address of parent company and under laws of what State or country parent company is organized: ——. (*e*) Whether stock is to be sold for the purpose of raising money to operate station: ——.

1142-1145 6. State fully the facts showing applicant's financial responsibility with respect to operation of this station: Applicant has sufficient financial resources to operate this station and, in addition, has affiliation with the Lincoln Trust & Savings Bank to assure any support necessary.

7. Is applicant a representative of an alien or foreign Government? No.

8. Has the applicant, since February 23, 1927, been finally adjudged guilty by any Federal court of unlawfully monopolizing, or attempting unlawfully to monopolize, radio

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* If a corporation, state corporate name; if a partnership, state names of all partners and the name under which the partnership does business; if an unincorporated association, state the name of an executive officer, the office held by him, and the name of the association. The same name or names should be signed in the place provided at the end of application, except that in the case of a partnership the application may be signed in the name of the partnership by one of the partners. This application must be executed and signed in the name which appears on the license for which renewal is requested, unless there has been an assignment of the license with the written consent of the Commission.

communication through control of manufacture or sale of radio apparatus, exclusive traffic arrangements, or any other means, or unfair methods of competition? No.

9. State applicant's relation to station (whether applicant is owner or lessee, and if not, nature of applicant's interest in use and control of station): Owner.

10. If applicant is not owner of station, who is? ——.

11. File number and date of license sought to be renewed: 4-L-B-363, Jan. 31, 1931.

12. The existing license authorizes the use of: (*a*) Frequency, 1420 kilocycles. (*b*) Power output for daytime operation, 100 watts; Nighttime, 100 watts. (*c*) Hours of operation, Share Time WHFC-WEHS. (*d*) Call letters, W.K.B.I.

13. Under existing license, state (*a*) Average per cent of time weekly, devoted to following services: (1) Entertainment, 60; (2) Religious, 0; (3) Commercial, 20; (4) Educational, 5; (5) Agriculture, 0; (6) Fraternal, 4; (7) Sports, 11. (*b*) Average number of hours per month station has operated during present license period: 200. (*c*) Does applicant sell time? Yes. (*d*) If applicant does not sell time, how is station supported? ——. (*e*) Number of weekly hours of sponsored programs is 5; of direct advertising programs is None. (*f*) Are merchandise prices quoted in interest of applicant? No; or others? Yes.

1146 27. Specify actual periods station has been operated since effective date of existing license:

	A. M.	P. M.	Total daily hours
Sunday	1-3:30		2.5
Monday	" "	1:30 to 4—8-11	8.0
Tuesday	" "	" "	8.0
Wednesday	" "	" "	8.0
Thursday	" "	" "	8.0
Friday	" "	" "	8.0
Saturday	" "	" "	5.0
Total weekly hours			47.5

28. Does station divide time? Yes. If so, with what station? WHFC & WEHS.

29. State average number of hours per month station

will be operated during each month in the summer: 210; Each month in the winter, 210.

30. Does station obtain programs from what is known as a "chain?" ——. (*a*) Name of chain, No. (*b*) What is total hours per week of chain programs (i. e., programs, both paid or sustaining, which are duplicated by any other station)? ——.

31. (*a*) Attach printed program for week last preceding date of this application.

1147 *Radio Program Compiled for Radio Station W K B I for Week of January* 5, 1931.

W K B I. 1420 Kycls. 211.3 Mtrs.

Monday, January 5th.

1:30 P.M.—Hawaiian Tunes.
2:00 P.M.—Fashion Scout.
2:15 P.M.—Health Talk.
2:30 P.M.—Numera's Messages.
2:45 P.M.—Organ Recital.
3:00 P.M.—Variety Hour.
8:00 P.M.—Race Results.
8:15 P.M.—Instrumental Program.
8:30 P.M.—Rudy & Ben.
9:00 P.M.—Polish Program.
10:15 P.M.—Studio Artists.
10:30 P.M.—Byron Tavern Orch.
10:45 P.M.—Uptown Village Orch.
12:00 M—Byron Tavern Orch.

Tuesday, January 6th.

1:30 P.M.—Dance Hits.
2:00 P.M.—Fashion Scout.
2:15 P.M.—Health Talk.
2:30 P.M.—Songs of Yesterday.
2:45 P.M.—Vocal Hits.
3:00 P.M.—Let's Dance Hour.
8:00 P.M.—Race Results.
8:15 P.M.—Light Opera Period.

8:30 P.M.—The Accordion King.
9:00 P.M.—Popular Program.
9:30 P.M.—Ellen & Rogers Sketch.
10:00 P.M.—Studio Artists.
10:30 P.M.—Byron Tavern Orch.
12:00 M.—Uptown Village Orch.

Wednesday, January 7th.

1:30 P.M.—Novelty Program.
2:00 P.M.—Fashion Scout.
2:15 P.M.—Health Talk.
2:30 P.M.—Numera's Messages.
2:45 P.M.—College Selections.
3:00 P.M.—Dance Tunes.
3:30 P.M.—Studio Frolic.
8:00 P.M.—Race Results.
8:15 P.M.—Band Concert.
8:30 P.M.—Swed Program.
9:30 P.M.—Old Timers Hours.
10:30 P.M.—Byron Tavern Orch.
10:45 P.M.—Uptown Village Orch.
12:00 M.—Request Program.

Thursday, January 8th.

1:30 P.M.—Dance Music.
2:00 P.M.—Fashion Scout.
2:15 P.M.—Health Talk.
2:30 P.M.—Hawaiian Tunes.
2:45 P.M.—Semi-Classic Program.
3:00 P.M.—Studio Program.
8:00 P.M.—Race Results.
8:15 P.M.—Dance Tunes.
8:30 P.M.—Instrumental Program.
9:30 P.M.—Boxing Bouts (Belle Plains).
10:30 P.M.—Byron Tavern Orch.
10:45 P.M.—Uptown Village Orch.
12:00 M.—Byron Tavern Orch.

Friday, January 9th.

1:30 P.M.—Waltz Program.
2:00 P.M.—Fashion Scout.

2:15 P.M.—Health Talk.
2:30 P.M.—Numera's Messages.
2:45 P.M.—Vocal Hits.
3:00 P.M.—Spanish Music.
3:30 P.M.—Popular Program.
8:00 P.M.—Race Results.
8:15 P.M.—Instrumental Program.
8:30 P.M.—Dance Hits of the Day.
9:00 P.M.—Studio Program.
9:30 P.M.—Popular Program.
10:00 P.M.—Dance Hour.
10:30 P.M.—Byron Tavern Orch.
10:45 P.M.—Uptown Village Orch.
12:00 M.—Byron Tavern Orch.

Saturday, January 10th.

1:30 P.M.—Studio Frolic.
2:15 P.M.—Health Talk.
2:30 P.M.—Dance Tunes.
2:45 P.M.—Light Opera Period.
3:00 P.M.—Popular Studio Frolic.
3:30 P.M.—Race Results.
12:00 M.—Byron Tavern Orch.
1:00 A.M.— " " "
2:00 A.M.—Uptown Village Orch.

Sunday, January 11th.

1:00 A.M.—Byron Tavern Orch.
2:00 A.M.—Uptown Village Orch.

1148-1150 35. State definite facts why the continued operation of the station will be in the public convenience, interest, or necessity? Station serves local community with services not provided by any other station; programs are arranged for & by local business and community organizations. Station is active in United States Naval Reserve activities and Charity Drives.

1151 Department of Commerce, U. S. Supervisor of Radio, Chicago, Ill. Received Dec. 30, 1930.

Federal Radio Commission. Jan. 15, 1931.

File No.: ——. Official No.: 551. Call Letters: WEDC. Class of Service: ——.

UNITED STATES OF AMERICA:

Federal Radio Commission.

Application for Renewal of Radio Broadcasting Station License.

(Submit in duplicate to District Supervisor of Radio in charge of District in which station is located. Swear to one copy.)

To the Federal Radio Commission:

1. Name of applicant*: Emil Denemark, Inc.
2. Post-office address: State, Illinois; City, Chicago; Street and number, Ogden Ave., 3860.
3. Citizenship: United States of America.
4. State whether applicant is a corporation, partnership, or association: Corporation.
5. If applicant is a corporation, state (*a*) Under laws of what State it is organized: Illinois. (*b*) May more than one-fifth of capital stock be voted by aliens or their representatives, or by a foreign government or representative thereof? No. (*c*) Is any director or officer an alien? If so state his name and position: No. (*d*) If applicant is a subsidiary, state name and address of parent company and under laws of what State or country parent company is organized: None. (*e*) Whether stock is to be sold for the purpose of raising money to operate

* If a corporation, state corporate name; if a partnership, state names of all partners and the name under which the partnership does business; if an unincorporated association, state the name of an executive officer, the office held by him, and the name of the association. The same name or names should be signed in the place provided at the end of application, except that in the case of a partnership the application may be signed in the name of the partnership by one of the partners. This application must be executed and signed in the name which appears on the license for which renewal is requested, unless there has been an assignment of the license with the written consent of the Commission.

station: No.

1152-1155 6. State fully the facts showing applicant's financial responsibility with respect to operation of this station: $50,000.00 corporation doing $1,500,000.00 business a year.

7. Is applicant a representative of an alien or foreign Government? No.

8. Has the applicant, since February 23, 1927, been finally adjudged guilty by any Federal court of unlawfully monopolizing, or attempting unlawfully to monopolize, radio communication through control of manufacture or sale of radio apparatus, exclusive traffic arrangements, or any other means, or of unfair methods of competition? No.

9. State applicant's relation to station (whether applicant is owner or lessee, and if not, nature of applicant's interest in use and control of station): Owner.

10. If applicant is not owner of station, who is? Applicant.

11. File number and date of license sought to be renewed: 4-r-b-551, Oct. 31, Jan. 31.

12. The existing license authorizes the use of: (*a*) Frequency, 1210 kilocycles. (*b*) Power output for daytime operation, 100 watts; Nighttime, 100 watts. (*c*) Hours of operation, Share time WCRW, WSBC. (*d*) Call letters, WEDC.

13. Under existing license, state (*a*) Average per cent of time weekly, devoted to following services: (1) Entertainment, 39 hrs; (2) Religious, 1; (3) Commercial, 7; (4) Educational, 2; (5) Agricultural ——; (6) Fraternal ——; (7) ——. (*b*) Average number of hours per month station has operated during present license period: 196 hrs. (*c*) Does applicant sell time? Yes. (*d*) If applicant does not sell time, how is station supported? Sell time but applicant can support station without selling time. (*e*) Number of weekly hours of sponsored programs is: 5; of direct advertising programs is: None. (*f*) Are merchandise prices quoted in interest of applicant? Yes; or others? Yes.

1156 27. Specify actual periods station has been operated since effective date of existing license:

	A. M.		P. M.		Total daily hours
Sunday	1 to 3	8:30 to 10	3:30 to 5	7 to 8 10 to 11	7
Monday	"	"	"	"	"
Tuesday	"	"	"	"	"
Wednesday	"	"	"	"	"
Thursday	"	"	"	"	"
Friday	"	"	"	"	"
Saturday	"	"	"	"	"
Total weekly hours					49

28. Does station divide time? Yes. If so, with what station? WSBC, WCRW.

29. State average number of hours per month station will be operated during each month in the summer: 196; each month in the winter: 196.

30. Does station obtain programs from what is known as a "chain?" No. (*a*) Name of chain, none; (*b*) What is total hours per week of chain programs (i. e., programs, both paid or sustaining, which are duplicated by any other station)? None.

1157 Cadillac. La Salle.

Emil Denemark, President.

Branch: Burlington & Spring Ave., La Grange, Ill.

Emil Denemark, Inc., 3848-60 Ogden Avenue, Chicago.

Phone Crawford 4100.

Program for Week Ending——.

Program Sunday.

3:30- 5:00 P. M. Sacred Hour.
7:00- 8:00 P. M. Popular Music.
10:00-11:00 P. M. Dance Music.
1:00- 3:00 A. M. Frolickers.

Program Monday.

8:30 A. M.-10:00 A. M. Popular.
3:30 P. M.- 5:00 P. M. Popular Music.
7:00 P. M.- 8:00 P. M. Polish hour.
10:00 P. M.-11:00 P. M. Polish Hour.
1:00 A. M.- 3:00 A. M. Frolickers.

Program Tuesday.

8:30 A. M.- 9:15 A. M. Popular Music.
9:15 A. M.- 9:45 A. M.
3:30 P. M.- 5:00 P. M. Popular Music.
7:00 P. M.- 8:00 P. M. Polish Hour.
10:00 P. M.-11:00 P. M. The Mail Box.
1:00 A. M.- 3:00 P. M. Frolickers.

Program Wednesday.

8:30 A. M.-10:00 A. M. Popular Music.
3:00 P. M.- 5:00 P. M. Popular Music.
7:00 P. M.- 7:30 P. M. Popular.
7:30 P. M.- 8:00 P. M. Popular.
10:00 P. M.-11:00 P. M. Request Hour.
1:00 A. M.- 3:00 A. M. Frolickers.

Program Thursday.

8:30 A. M.- 9:15 A. M. Popular.
9:15 A. M.- 9:45 A. M. Popular
3:30 P. M.- 5:00 P. M. Popular.
7:00 P. M.- 8:00 P. M. Jewish Hour.
10:00 P. M.-11:00 P. M. Your favorite requests.
1:00 A. M.- 3:00 A. M. Frolickers.

Program Friday.

8:30 A. M.-10:00 A. M. Popular Music.
3:30 P. M.- 5:00 P. M. Popular.
7:00 P. M.- 8:00 P. M. Bohemian Hour.
10:00 P. M.-11:00 P. M. Dance Music.
1:00 A. M.- 3:00 A. M. Frolickers.

Program Sunday.

8:30 A. M.- 9:15 A. M. Popular.
9:15 A. M.- 9:45 A. M. Classical.
3:30 P. M.- 5:00 P. M. Popular.
7:00 P. M.- 8:00 P. M. Dance.
10:00 P. M.-11:00 Request.
1:00 A. M.- 3:00 A. M. Frolickers.

1158-1160 36. Applicant's most recent application for license is to be considered as part of this ap-

plication and the truth of the statements therein contained is hereby reaffirmed, except in so far as the contrary expressly appears herein, and in the following particulars:

1161 Form No. 37-B

Department of Commerce, U. S. Supervisor of Radio, Chicago, Ill. Received Dec. 22, 1930.

Federal Radio Commission, Dec. 26, 1930.

File No.: ——. Official No.: 563. Call Letters: WCRW. Class of Service: ——.

UNITED STATES OF AMERICA:

Federal Radio Commission.

Application for Renewal of Radio Broadcasting Station License.

(Submit in duplicate to District Supervisor of Radio in charge of District in which station is located. Swear to one copy.)

To the Federal Radio Commission:

1. Name of applicant:* Clinton R. White.
2. Post-office address: State, Illinois; City, Chicago: Street and number, 2756 Pine Grove Avenue.
3. Citizenship: U. S., Ill.
4. State whether applicant is a corporation, partnership, or association: Individual.
5. If applicant is a corporation, state (*a*) Under laws of what State it is organized. ——. (*b*) May more than one-fifth of capital stock be voted by aliens or their representa-

* If a corporation, state corporate name; if a partnership, state names of all partners and the name under which the partnership does business; if an unincorporated association, state the name of an executive officer, the office held by him, and the name of the association. The same name or names should be signed in the place provided at the end of application, except that in the case of a partnership the application may be signed in the name of the partnership by one of the partners. This application must be executed and signed in the name which appears on the license for which renewal is requested, unless there has been an assignment of the license with the written consent of the Commission.

tives, or by a foreign government or representative thereof? ——. (*c*) Is any director or officer an alien? If so, state his name and position: No. (*d*) If applicant is a subsidiary, state name and address of parent company and under laws of what State or country parent company is organized: ——. (*e*) Whether stock is to be sold for the purpose of raising money to operate station: No.

1162-1165 6. State fully the facts showing applicant's financial responsibility with respect to operation of this station: No liabilities—Entirely free of encumberance and able to take care of any indebtedness which we may incur.

7. Is applicant a representative of an alien or foreign Government? No.

8. Has the applicant, since February 23, 1927, been finally adjudged guilty by any Federal court of unlawfully monopolizing, or attempting unlawfully to monopolize, radio communication through control of manufacture or sale of radio apparatus, exclusive traffic arrangements, or any other means, or of unfair methods of competition? No.

9. State applicant's relation to station (whether applicant is owner or lessee, and if not, nature of applicant's interest in use and control of station): Owner.

10. If applicant is not owner of station, who is? ——.

11. File number and date of license sought to be renewed: 563, Dated October 8, 1930.

12. The existing license authorizes the use of (*a*) Frequency, 1210 kilocycles. (*b*) Power output for daytime operation, 100 watts; Nighttime, 100 watts. (*c*) Hours of operation, Divides time. (*d*) Call letters, WCRW.

13. Under existing license, state (*a*) Average per cent of time weekly, devoted to following services: (1) Entertainment, 58%; (2) Religious, ——; (3) Commercial, 30%; (4) Educational, 12%; (5) Agricultural, ——; (6) Fraternal, ——; (7) ——; (*b*) Average number of hours per month station has operated during present license period, 128. (*c*) Does applicant sell time? Yes. (*d*) If applicant does not sell time, how is station supported? ——. (*e*) Number of weekly hours of sponsored program is approx. 4; or direct advertising program is 12. (*f*) Are merchandise prices quoted in interest of applicant? No; or others, Yes.

1166-1169 27. Specify actual periods station has been operated since effective date of existing license:

	A. M.	P. M.	Total daily hours
Sunday	11.30 AM to 1.30 PM,	6 to 7, 9 to 10	4
Monday	same		4
Tuesday	same		4
Wednesday	same		4
Thursday	same		4
Friday	same		4
Saturday	same		4
Total weekly hours			28

28. Does station divide time? Yes. If so, with what station? WSBC-WEDC.

29. State average number of hours per month station will be operated during each month in the summer, 128; Each month in the winter, 128.

30. Does station obtain programs from what is known as a "chain?" No. (*a*) Name of chain: ——; (*b*) What is total hours per week of chain programs (i. e., programs, both paid or sustaining, which are duplicated by any other station)? ——.

31. (*a*) Attach printed program for week last preceding date of this application.

Daily Radio Program

WCRW

Embassy Hotel

11:30 A. M. Josephine Musical Program
1:00 P. M. Buyers Guide
6:00 P. M. Buyers Guide
6:30 P. M. Music
9:00 P. M. Orchestra and Studio Program
9:45 P. M. Business News Flashes, Electrical Transcriptions
248 Meters. 1210 Kilocycles

Daily Radio Program

WCRW

Embassy Hotel

11:30 A. M. Josephine Musical Program
1:00 P. M. Buyers Guide

6:00 P. M. Buyers Guide
6:30 P. M. Music
9:00 P. M. Orchestra and Studio Program
9:45 P. M. Business News Flashes, Electrical Transcriptions
248 Meters. 1210 Kilocycles

1170 Form No. 37-B.

Department of Commerce, U. S. Supervisor of Radio, Chicago, Ill. Received Mar. 31, 1931.

Federal Radio Commission, Apr. 2, 1931.

File No.: ——. Official No.: 541. Call Letters: WENR-WBCN. Class of Service: ——.

Apr. 2, 1931.

UNITED STATES OF AMERICA:

Federal Radio Commission.

Application for Renewal of Radio Broadcasting Station License.

(Submit in duplicate to District Supervisor of Radio in charge of District in which station is located. Swear to one copy.)

To the Federal Radio Commission:

1. Name of applicant:* National Broadcasting Company, Inc., 711 Fifth Avenue.
2. Post-office address: State, New York; City, New York; Street and number, c/o RCA Central Frequency Bureau, 66 Broad Street.

* If a corporation, state corporate name; if a partnership, state names of all partners and the name under which the partnership does business; if an unincorporated association, state the name of an executive officer, the office held by him, and the name of the association. The same name or names should be signed in the place provided at the end of application, except that in the case of a partnership the application may be signed in the name of the partnership by one of the partners. This application must be executed and signed in the name which appears on the license for which renewal is requested, unless there has been an assignment of the license with the written consent of the Commission.

3. Citizenship: ——.

4. State whether applicant is a corporation, partnership, or association: Corporation.

5. If applicant is a corporation, state (*a*) Under laws of what State it is organized: Delaware. (*b*) May more than one-fifth of capital stock be voted by aliens or their representatives, or by a foreign government or representative thereof? No. (*c*) Is any director or officer an alien? If so, state his name and position: No. (*d*) If applicant is a subsidiary, state name and address of parent company and under laws of what State or country parent company is organized: Radio Corporation of America, 233 Broadway, New York—Delaware Corporation. (*e*) Whether stock is to be sold for the purpose of raising money to operate station: No.

1171-1174 6. State fully the facts showing applicant's financial responsibility with respect to operation of this station: This company's financial position is well established as evidenced by credit listings.

7. Is applicant a representative of an alien or foreign Government? No.

8. Has the applicant, since February 23, 1927, been finally adjudged guilty by any Federal court of unlawfully monopolizing, or attempting unlawfully to monopolize, radio communication through control of manufacture or sale of radio apparatus, exclusive traffic arrangements, or any other means, or of unfair methods of competition? No.

9. State applicant's relation to station (whether applicant is owner or lessee, and if not, nature of applicant's interest in use and control of station): Lessee.

10. If applicant is not owner of station, who is? Great Lakes Broadcasting Company.

11. File number and date of license sought to be renewed: # 541, October 15, 1930.

12. The existing license authorizes the use of: (*a*) Frequency, 870 kilocycles. (*b*) Power output for daytime operation, 50,000 watts; Nighttime 50,000 watts. (*c*) Hours of operation, ½ time each day. (*d*) Call letters, WENR-WBCN.

13. Under existing license, state (*a*) Average per cent of time weekly, devoted to following services: (1) Entertainment, 69; (2) Religious, 4.5; (3) Commercial, 20.0; (4) Educational, 6.0; (5) Agricultural, .5%; (6) Fraternal, ——;

(7) ——. (*b*) Average number of hours per month station has operated during present license period, 290 Hrs. (*c*) Does applicant sell time? Yes. (*d*) If applicant does not sell time, how is station supported? ——. (*e*) Number of weekly hours of sponsored programs is 13 Hrs. 15 Min.; of direct advertising programs is None. (*f*) Are merchandise prices quoted in interest of applicant? No; or others? No.

1175 & 1176 27. Specify actual periods station has been operated since effective date of existing license:

		A. M.	P. M.		Total daily hours.
Sunday	12.00-2.00 A. M.	8.00-12.30	3.30-6.00	8.00-12.00	13 hrs.
Monday	12.00-1.00 A. M.	10.15-11.45	3.30-7.00	8.30-12.00	9.50
Tuesday	"	"	"	"	"
Wednesday	"	"	"	"	"
Thursday	"	"	"	"	"
Friday	"	"	"	"	"
Saturday	"	"	"	"	6
Total weekly hours.....					66.50

28. Does station divide time? Yes. If so, with what station? WLS.

29. State average number of hours per month station will be operated during each month in the summer: 290 hours on present time division; Each month in the winter, Same.

30. Does station obtain programs from what is known as a "chain"? Yes. (*a*) Name of chain, National Broadcasting Company. (*b*) What is total hours per week of chain programs (i. e., programs, both paid or sustaining, which are duplicated by any other station)? 44¾ hours.

31. (*a*) Attach printed program for week last preceding date of this application.

1177 Department of Commerce, U. S. Supervisor of Radio, Chicago, Ill. Received Mar. 31, 1931.

Tuesday, March 17, 1931.

870 Kc.—WENR—344.5 M.

Chicago.

(Voice of Service—50,000 Watts.)

(Daytime.)

10:15 a.m.—Dinny Lynch Trio.
10:30 a.m.—Blue Valley.

10:45 a.m.—Al & Pete.
11:00 a.m.—Vocal Varieties.
11:30 a.m.—Home Service.

Off the Air at 11:45 a.m.

3:30 p.m.—Pacific Vagabonds.
4:00 p.m.—Voices.
4:15 p.m.—Gems of Melody.
4:30 p.m.—Jim & Bob—Hawaiian Melodies.
4:45 p.m.—Lady Next Door.
5:00 p.m.—Air Juniors.
5:15 p.m.—Whytes Orchestra.
5:30 p.m.—Studio Orchestra.
5:40 p.m.—Princess Pat.
5:45 p.m.—Black & Gold.

(Evening.)

6:00 p.m.—Voters Service.
6:35 p.m.—Quaker Oats.
6:45 p.m.—N. V. Potash.

Off the Air at 7:00 p.m.

8:30 p.m.—Pacific Borax.
9.00 p.m.—Al & Pete.
9:15 p.m.—Romances.
9:30 p.m.—Girl Reporter.
9:45 p. m.—Don Carlos Marimba Orchestra.
10:00 p.m.—Amos 'n' Andy.
10:15 p.m.—Slumber Music.
11:00 p.m.—Harry Richman.
11:30 p.m.—Hotel Pennsylvania.
12:00 a.m.—Husk O'Hara's Orchestra.
12:30 a.m.—Art Kassel's Orchestra.

Off the Air at 1:00 a.m.

1178 Wednesday, March 18, 1931.

870 Kc.—WENR—344.5 M.

Chicago.

(Voice of Service—50,000 Watts.)

(Daytime.)

10:15 a.m.—Syncopators.
10:30 a.m.—Piano Moods.

10:45 a.m.—Al & Pete.
11:00 a.m.—Vocal Varieties.
11:30 a.m.—Home Service.

Off the Air at 11:45 a.m.

3:30 p.m.—Mabel Wayne Hour.
4:00 p.m.—Lever Bros.
4:15 p.m.—Lady Next Door.
4:30 p.m.—Tea Timers.
5:00 p.m.—Air Juniors.
5:15 p.m.—Saltzmann's Orchestra.
5:30 p.m.—Gloria Gay.
5:45 p.m.—Goodrich.

(Evening.)

6:00 p.m.—Boswell Sisters.
6:10 p.m.—Princess Pat.
6:15 p.m.—Science.
6:30 p.m.—Quaker Oats.
6:45 p.m.—William Hard.

Off the Air at 7:00 p.m.

8:30 p.m.—Industrial Club Luncheon.
10:00 p.m.—Amos 'n' Andy.
10:15 p.m.—DuPont.
10:30 p.m.—Vincent Lopez.
11:00 p.m.—Paramount.
11:30 p.m.—Wayne King's Orchestra.
12:00 a.m.—Husk O'Hara's Orchestra.
12:30 a.m.—Art Kassel's Orchestra.

Off the Air at 1:00 a.m.

1179 Thursday, March 19, 1931.

870 Kc.—WENR—344.5 M.

Chicago.

(Voice of Service—50,000 Watts.)

(Daytime.)

10:15 a.m.—Syncopators.
10:30 a.m.—Sweet & Low Down.

10:45 a.m.—Al & Pete.
11:00 a.m.—Vocal Varieties.
11:30 a.m.—Home Service.

Off the Air at 11:45 a.m.

3:30 p.m.—U. S. Army Band.
4:00 p.m.—Brazilian Coffee.
4:30 p.m.—Jim & Bob.
4:45 p.m.—Tea Timers.
5:00 p.m.—Air Juniors.
5:15 p.m.—Black & Gold.
5:45 p.m.—Goodrich.

(Evening.)

6:00 p.m.—Hymn Sing.
6:30 p.m.—Quaker Oats.
6:45 p.m.—Princess Pat.
6:50 p.m.—Jim & Bob.

Off the Air at 7:00 p.m.

8:30 p.m.—Piano Moods.
8:45 p.m.—Girl Reporter.
9:00 p.m.—WENR Minstrels.
10:00 p.m.—Amos 'n' Andy.
10:15 p.m.—Slumber Music.
10:30 p.m.—Cotton Club.
11:00 p.m.—Harry Richman.
11:30 p.m.—Hotel New Yorker.
12:00 p.m.—Husk O'Hara's Orchestra.
12:30 a.m.—Art Kassel's Orchestra.

Off the Air at 1:00 a.m.

1180 Friday, March 20, 1931.

870 Kc.—WENR—344.5 M.

Chicago.

(Voice of Service—50,000 Watts.)

(Daytime.)

10:15 a.m.—Walter Damrosch.
11.00 a.m.—Vocal Varieties.
11:30 a.m.—Home Service.

Off the the Air at 11:45 a.m.

3:30 p.m.—Rodeheaver Sing.
4:00 p.m.—Lady Next Door.
4:30 p.m.—Jim & Bob.
4:45 p.m.—Tea Timers.
5:00 p.m.—Air Juniors.
5:15 p.m.—America's Sweetheart.
5:45 p.m.—Goodrich.

(Evening.)

6:00 p.m.—Capitol Theatre.
6:30 p.m.—Quaker Oats.
6:45 p.m.—Princess Pat.
6:50 p.m.—Chuck & Ray.

Off the Air at 7:00 p.m.

8:30 p.m.—Enna Jettick.
8:45 p.m.—Mandell.
8:45¼ p.m.—Two Troupers.
9.00 p.m.—Crime Prevention.
9:30 p.m.—World Book.
9:35 p.m.—WENR Orchestra.
9:45 p.m.—Cub & Snoop.
10:00 p.m.—Amos 'n' Andy.
10:15 p.m.—Slumber Music.
10:30 p.m.—Otto Gray.
10:45 p.m.—Slumber Music.
11:00 p.m.—Paramount.
11:30 p.m.—Wayne King's Orchestra.
12:00 p.m.—Husk O'Hara's Orchestra.
12:30 a.m.—Art Kassel's Orchestra.

Off the Air at 1:00 a.m.

1181 Saturday, March 21, 1931.

870 Kc.—WENR—344.5 M.

Chicago.

(Voice of Service—50,000 Watts.)

(Daytime.)

10:15 a.m.—Celebrated Sayings.
10:30 a.m.—Piano Moods.
10:45 a.m.—Al & Pete.

11:00 a.m.—Vocal Varieties.
11:30 a.m.—Home Service.

Off the Air at 11:45 a.m.

3:30 p.m.—Pacific Feature Hour.
4:00 p.m.—Lady Next Door.
4:30 p.m.—Tea Timers.
4:45 p.m.—Blue Valley.
5:00 p.m.—Air Juniors.
5:15 p.m.—Field Reports.
5:45 p.m.—Goodrich.

(Evening.)

6:00 p.m.—Flower Show.
6:10 p.m.—Princess Pat.
6:15 p.m.—Kempfers.
6:30 p.m.—Valspar.

Off the Air at 7:00 p.m.

12:00 mid.—Husk O'Hara's Orchestra.
12:30 a.m.—Art Kassel's Orchestra.
1:00 a.m.—Husk O'Hara's Orchestra.

Off the Air at 2.00 a.m.

1182 Sunday, March 22, 1931.

870 Kc.—WENR—344.5 M.

Chicago.

(Voice of Service—50,000 Watts.)

(Daytime.)

8.00 a.m.—NBC Children's Hour.
9:00 a.m.—Lew White.
9:30 a.m.—Troika Bells.
10:00 a.m.—Neopolitan Days.
10:30 a.m.—Roxy.
11:00 a.m.—Central Church Service.

Off the Air at 12:30 p.m.

3:30 p.m.—Interview Hellmut Horn.
3:45 p.m.—Artists Service Hour.

4:00 p.m.—Davey Tree.
5:00 p.m.—Catholic Hour.

Off the Air at 6:00 p.m.

8:00 p.m.—Our Government.
8:15 p.m.—Oklahoma Cowboys.
8:30 p.m.—Edison Symphony.
9:00 p.m.—Reminiscences.
9:15 p.m.—Boswell Sisters.
9:30 p.m.—Kaffee Hag.
10:00 p.m.—Wenrich & Connelly.
10:15 p.m.—Heel Huggers.
10:30 p.m—Russian Choir
11:00 p.m.—Art Kassel's Orchestra.
11:30 p.m.—Husk O'Hara's Orchestra.
12:30 a.m.—Art Kassel's Orchestra.

Off the Air at 1:00 a.m.

1183 Monday, March 23, 1931.

870 Kc.—WENR—344.5 M.

Chicago.

(Voice of Service—50,000 Watts.)

(Daytime.)

10:15 a.m.—Gloom Chasers.
10:30 a.m.—Piano Moods.
10:45 a.m.—Al & Pete.
11:00 a.m.—Vocal Varieties.
11:30 a.m.—Home Service.

Off the Air at 11:45 a.m.

3:30 p.m.—Matinee Melodies.
4:00 p.m.—Tea Timers.
4:30 p.m.—Lady Next Door.
5:00 p.m.—Air Juniors.
5:15 p.m.—Flower Show.
5:30 p.m.—Edwin Alger.
5:45 p.m.—Black & Gold Room.

(Evening.)

6:00 p.m.—Phil Napoleons.
6:10 p.m.—Princess Pat.
6:15 p.m.—James McDonald.
6:30 p.m.—Quaker Oats.
6:45 p.m.—Mrs. Hoover.

Off the Air at 7:00 p.m.

8:30 p.m.—American Legion.
9:00 p.m.—Anton Cermak.
9:15 p.m.—Television.
9:30 p.m.—World Book.
9:35 p.m.—Symphonic Rhythm Makers.
10:00 p.m.—Amos 'n' Andy.
10:15 p.m.—Slumber Music.
10:30 p.m.—Jean Cowan.
10:45 p.m.—Trio.
11:00 p.m.—Cotton Club.
11:30 p.m.—Louis Panico.
12:00 p.m.—Husk O'Hara's Orchestra.
12:30 a.m.—Art Kassel's Orchestra.

Off the Air at 1:00 a.m.

1184-1186 35. State definite facts why the continued operation of the station will be in the public convenience, interest, or necessity? Superior and modern equipment of station and ample financial and technical resources of applicant will enable station to keep abreast of radio art; its experienced program and operating personnel and extensive connecting network of other stations will offer unsurpassed opportunities for country-wide broadcasting of the highest type of religious, educational, informational and entertainment programs. It is submitted that the present and past performances of this station prove its use and value to the public.

1187 Form No. 37-B.

Department of Commerce, U. S. Supervisor of Radio Chicago, Ill. Received Dec. 23, 1930.

Federal Radio Commission. Dec. 26. 1930.

File No.: 4-L-B-375. Official No.: 565. Call Letters: W.S.B.C. Class of Service: ——.

Ack. Dec. 30, 1930. MWB.

UNITED STATES OF AMERICA:

Federal Radio Commission.

Application for Renewal of Radio Broadcasting Station License.

(Submit in duplicate to District Supervisor of Radio in charge of District in which station is located. Swear to one copy.)

Dec. 26, 1930.

To the Federal Radio Commission:

1. Name of applicant:* World Battery Co. Inc.

2. Post-office address: State, Illinois; City, Chicago; Street and number, 1241 South Michigan Avenue.

3. Citizenship: Jos. Silverstein, President, American.

4. State whether applicant is a corporation, partnership, or association: Corporation.

5. If applicant is a corporation, state (*a*) Under laws of what State it is organized: Illinois. (*b*) May more than one-fifth of capital stock be voted by aliens or their representatives, or by a foreign government or representative thereof? No. (*c*) Is any director or officer an alien? If so, state his name and position: No. (*d*) If applicant is a subsidiary, state name and address of parent company and under laws of what State or Country parent company is organized: No, (*e*) Whether stock is to be sold for the purpose of raising money to operate station: No.

1188-1191 6. State fully the facts showing applicant's financial responsibility with respect to operation of this station: The World Battery Co. has appropriated a sufficient sum of money to operate the station on its present basis of expenditures.

7. Is applicant a representative of an alien or foreign Government? No.

8. Has the applicant, since February 23, 1927, been finally adjudged guilty by any Federal court of unlawfully monop-

* If a corporation, state corporate name; if a partnership, state names of all partners and the name under which the partnership does business; if an unincorporated association, state the name of an executive officer, the office held by him, and the name of the association. The same name or names should be signed in the place provided at the end of application, except that in the case of a partnership the application may be signed in the name of the partnership by one of the partners. This application must be executed and signed in the name which appears on the license for which renewal is requested, unless there has been an assignment of the license with the written consent of the Commission.

olizing, or attempting unlawfully to monopolize, radio cummunication through control of manufacture or sale of radio apparatus, exclusive traffic arrangements, or any other means, or of unfair methods of competition? No.

9. State applicant's relation to station (whether applicant is owner or lessee, and if not, nature of applicant's interest in use and control of station): Owner and Operator.

10. If applicant is not owner of station, who is? ——.

11. File number and date of license sought to be renewed: File 4LB.375-365, Jan. 31, 1931.

12. The existing license authorizes the use of: (*a*) Frequency, 1210 kilocycles. (*b*) Power output for daytime operation, 100 watts; Nighttime, 100 watts. (*c*) Hours of operation, Dividing Time. (*d*) Call letters, W.S.B.C.

13. Under existing license, state (*a*) Average per cent of time weekly, devoted to following services: (1) Entertainment, 60; (2) Religious, 4; (3) Commercial, 10; (4) Educational, 6; (5) Agricultural, ——; (6) Fraternal, ——; (7) Stock Market, Speical talks, etc., 20%.

1192 27. Specify actual periods station has been operated since effective date of existing license:

	A. M.			P. M.			Total daily hours
Sunday ..	10 to 11:30 A.M.	1:30-3:30 P.M.	5-6 P.M.	8-9 P.M.	11-1 A.M.		7½
Monday..	Same	Same	Same	Same	Same	Same	7½
Tuesday..	Same	Same	Same	Same	Same	Same	7½
Wednesday	Same	Same	Same	Same	Same	Same	7½
Thursday.	Same	Same	Same	Same	Same	Same	7½
Friday...	Same	Same	Same	Same	Same	Same	7½
Saturday.	Same	Same	Same	Same	Same	Same	7½
Total weekly hours							52½

28. Does station divide time? Yes. If so, with what station? WCRW, WEDC.

29. State average number of hours per month station will be operated during each month in the summer: 250; Each month in the winter: 250.

30. Does station obtain programs from what is known as a "chain?" No. (*a*) Name of chain, ——. (*b*) What is total hours per week of chain programs (i. e., programs, both paid or sustaining, which are duplicated by any other station)? ——.

31. (*a*) Attach printed program for week last preceding date of this application.

PROGRAM FOR SUNDAY, DECEMBER 7.

Time	Duration	Description	Title	Kilo	Chain	Station
2:00	1:00	Religious services		1130		WJJD
	1:00	Recordings		1200		WWAE
2:15	2:15	Professional football		770		WBBM
2:30	:30	Southern songs	Southland sketches	870	NBC	WLS
	1:00	Recordings	Better Music Hour	1420		WHFC
	1:00	Polish music	Polish Hour	1210		WSBC
5:00	:30	Popular music; Herby Kay's Orchestra		870		WENR
	1:00	Popular music	Twilight Musicale	1020		KYW
	1:00	Music by colored artists; Jack Cooper, director	All Colored Hour	1210		WSBC
8:00	1:00	Services from Downers Grove Sunday Eve'g Club		870		WENR
	:15	Popular music	Rainbow Trails	720		WGN
	:30	Popular music and talks	Majestic Theater of Air	770	CBS	WBBM
	1:00	Dance music		1420		WHFC
	1:00	Services from United Brethren Church		1200		WWAE
	:15	Piano solo by Dean Remick		1490		WCHI
	:30	Swedish music		970		WCFL
	1:00	Italian music	Italian Hour	1210		WSBC
11:15	:30	Popular music with vocal solos by Jerry Sullivan		1210		WSBC
	:05	Weather reports, time signals, temperature		1020		KYW
	:45	Dance music		770		WBBM
11:20	1:40	Dance music by Panico's Canton Orchestra		1020		KYW
11:30	:30	Dance music; Herb Carlin's Orchestra		1490		WCHI
11:45	1:15	Dance music		1210		WSBC
	1:00	Dance music		560		WIBO

MONDAY.

10:00	1:00	Shopping news		1200		WWAE
	1:00	Popular music by string ensemble	Home Hour	1210		WSBC
5:00	:30	Children's program	Topsy Turvy Time	670		WMAQ
	:30	Popular music	Maillard's Musicale	1020		KYW
	:30	Children's program	Air Juniors	870		WENR
	:15	Dance music by Carl Rupp's Captivators		770	CBS	WBBM
	:30	Readings from fiction	The Bookworm	720		WGN
	:05	Market reports		1210		WSBC

CHICAGO RADIO WEEKLY—Continued

TUESDAY, DECEMBER 9

Time	*Duration*	*Description*	*Title*	*Kilo*	*Chain*	*Station*
	:30	Talk on education		1210		WSBC
	:30	Accordion music		1420		WKBI
8:45	:15	Dance music; Jules Herbuveaux Orchestra	Klee Bros. Program	1020		KYW
	:15	Dance music		770		WBBM

WEDNESDAY, DECEMBER 10.

8:00	:10	Comedy team	Adolph & Rudolph			
	:15	Popular music	Regal Program	560		WIBO
	:30	Popular music with solos	In Modern Mood	720		WGN
	:30	Poetic readings		870		WLS
	:30	Popular music		1360		WJKS
	:30	Classical music, direction of George Dasch, Chicago Little Symphony Orchestra	Halsey, Stuart Prog.	1020	NBC	KYW
	:30	Popular music	Gabriel Program	670		WMAQ
	:30	Mystery drama	Dot & Don	1130		WJJD
	:30	Organ music with quartette	Gold Medal Fast Freight	770	CBS	WBBM
	:15	Race results		1420		WKBI
	:30	Classical music; soprano solos, Doris Keane		1200		WWAE
	1:00	Popular music		1210		WSBC
11:45	1:15	Dance music; Devron's & Garrigan's Orchestra		560		WIBO
12:00	1:00	Dance music; Louis Panico's, Tom Gerun's Orch.		1020		KYW
	1:00	Popular variety music	Whoopee Program	1360		WJKS
	1:00	Dance music		1210		WSBC
	3:00	Dance music; Byron Tavern Orchestra		1420		WKBI
1:00	2:00	Popular music	Frolickers	1210		WEDC

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THURSDAY, DECEMBER 11

	1:00	Popular music; string ensemble	Home Hour	1210		WSBC
	1:00	Household talk		1420		WHFC
10:15	:15	Beauty talk		970		WCFI
	:25	Lessons in English grammar		670		WMAQ
5:00	:30	Children's program	Topsy Turvy Time	670		WMAQ

	:30	Children's program	Air Juniors	870		WENR
	:30	Organ music by Howard L. Peterson		1130		WJJD
	:30	Children's program	Adventurers' Club	1360		WGES
	:30	Readings from fiction	The Bookworm	720		WGN
	:30	Popular music	Maillard's Musicale	1020		KYW
	1:00	Popular music		970		WCFL
	:15	Stock market reports		1210		WSBC
8:00	:30	American history set to music	Arco Birthday Party	1020	NBC	KYW
	:30	Popular music	Kosto Program	670		WMAQ
	:30	Popular music with Norman Brokenshire	Van Heusen Program	770	CBS	WBBM
	:15	Popular music		1130		WJJD
	:10	Comedy team	Adolph & Rudolph	970		WCFL
	:30	Musical feature		870		WLS
	:30	Talks		1210		WSBC

FRIDAY, DECEMBER 12.

10:00	:30	Children's program		560		WIBO
	:15	Popular music		720		WGN
	:15	Popular music	Marmola Program	1130		WJJD
	:15	Talk on complexions by Helen Chase	Complexion Hints	770	CBS	WBBM
	1:00	Concert music; Walter Damrosch	Music Appreciation	1020	NBC	KYW
	:30	Old ballads	Home Folks Hour	1360		WGES
	1:00	Popular music by string ensemble	Home Hour	1210		WSBC
8:00	:30	Dramatics; biography of Abraham Lincoln	Prairie President	870		WLS
	:30	Popular orchestral music, direction Harry Reser	Cliquot Club Eskimos	560	NBC	WIBO
	:30	Orchestral music, Billy Jones and Ernie Hare	Interwoven Pair	1020	NBC	KYW
	1:00	Dramatics; Adventures of Mary and Bob	True Story Hour	670	CBS	WMAQ
	:30	Spelling bee		770		WBBM
	:15	Story of musical instruments	Music's Life Story	720		WGN
	:30	Popular music	Wilson Plantation	1130		WJJD
	:10	Comedy skit	Adolph & Rudolph	970		WCFL
	:30	Vocal solos by Doris Keane, Soprano		1200		WWAE
	:15	Race results		1420		WKBI
	1:00	Polish music	Polish Hour	1210		WSBC
11:30	:30	Organ music		1420		WHFC
	:30	Dance music; Herb Carlin's Orchestra		1490		WCHI
	:15	Popular music with solos by Jerry Sullivan		1210		WSBC

CHICAGO RADIO WEEKLY—Continued

Time	*Duration*	*Description*	*Title*	*Kilo*	*Chain*	*Station*
11:45	1:15	Popular music	Request Program	1360		WJKS
	:15	Dance music		1210		WSBC
12:00	1:00	Religious music		1080		WMBI
	1:00	Dance music		1210		WSBC
	3:00	Dance music; Byron Tavern Orchestra		1420		WHFC
12:30	1:00	Dance music by Art Kassel's Orchestra		560		WIBO
1:00	2:00	Popular music	Frolickers	1210		WEDC

SATURDAY, DECEMBER 13

1:30	:15	Popular music; Whitney Trio		670		WMAQ
	:45	Organ music		1420		WKBI
	:30	Safety talks	Junior Guards	870		WLS
	1:30	Children's program		1360		WJKS
	:30	Shopping news		1490		WCHI
	:30	Popular music; Jerry Sullivan		1210		WSBC
1:45	:15	Dance marathon		970		WCFL
2:00	1:00	Farm features and music		870		WLS
	:15	Shopping news	Davis Service	670		WMAQ
	:15	Piano solos		1020		KYW
	1:00	Popular music		1490		WCHI
	2:00	Children's program	Junior Federation Club	970		WCFL
	:15	Football scores		1210		WSBC
1195-1197						
5:00	:30	Children's program	Air Juniors	870		WENR
	:45	Sport interview; Ted Husing		1130		WJJD
	:30	Popular music		970		WCFL
	:30	Children's program	Topsy Turvy Time	670		WMAQ
	:15	Harmony trio	Tom, Dick and Harry	770	CBS	WBBM
	:30	Popular music	Maillard's Musicale	1020		KYW
	:30	Children's program	Adventurers' Club	1360		WGES
	1:00	Popular music; vocal solos		1210		WSBC

1198 35. State definite facts why the continued operation of the station will be in the public convenience, interest, or neces ity? See Attached.

1199 Station W.S.B.C. is primarily operated to keep the general public informed on the new developments in radio equipment as produced by the World Battery Company and in doing so, we impart general information to the public in the matter of the proper care of radio sets, power units and batteries.

The World Battery Company being manufacturers of radio and automobile storage battery equipment, including the World Radio Receiver, is in a position to constantly broadcast information of vital interest to the general public in the proper use and maintenance of radio equipment. This information is also published by the World Battery Company in booklet form, known as the W.S.B.C. Radio Log. This Radio Log is published every six weeks, thus keeping our listeners in constant touch with all the latest developments in the radio field. The booklet is distributed without charge to whoever desires a copy.

In addition to the above, the World Battery Company, being careful of its good will, aims to have such programs as will meet with the general approval of the public, both from an educational, entertaining viewpoint and that of real public service.

The Entertainment afforded W.S.B.C. listeners, embraces artists all of whom are nationally known and the highest type of entertainment is provided by them. These men are a permanent part of our staff.

The Educational and Religious features are presented under the personal supervision of Dr. Gerson B. Levi, Rabbi of the Temple Isiah Israel, Chicago, Illinois and Dr. Benjamin A. Daskal, Rabbi of the Rodfre Zedek Congregation, Chicago, Illinois. Station W.S.B.C. is the only broadcasting Station in the United States presenting as a permanent feature, the Sunday Morning Religious Services from a reform Synagogue, Dr. Gerson B. Levi being in personal charge at the Temple Isiah Israel.

Recently Station W.S.B.C. inaugurated a special feature by presenting a series of Cosmopolitan Programs, known as the "Jewish Hour" "Polish Hour" "Italian Hour" "Bohemian Hour" "Russian Hour" and the "All

Colored Hour". These features are proving very popular as well as educational and we have *have* received many requests from the prominent leaders of the above mentioned faiths to continue these programs and to-day they are a permanent feature of this station.

Each individual program is conducted in its respective native tongue, therefore, every listener is able to receive the benefit of these programs. All announcements, lectures and vocal selections are rendered in their respective tongue. We also make it a special effort of securing the leading artists and educators of the various nationalities to appear on these programs.

We have reason to believe that with our presentation of these various foreign programs in its original language, we are of course, able to broadcast a program that is of universal benefit, and it brings a form of educational medium to the particular individual who might not understand the English language very well, and by doing so, we feel that we are presenting a service that is a public necessity and it is our desire to concentrate on this form of service and possibly later add another special hour of a varied language. In many instances the speakers and lecturers on this special programs are sponsored by reputable organizations eager to promote good will throughout their race.

As an indication of the features presented, the following names are submitted:

Dr. Morris Fishbein, Editor of the "Journal of the American Medical Association".

Dr. Llewellyn Jones, Literary Editor of the Chicago Evening Post.

Dr. Cawardine, Religious Editor of the Chicago Herald Examiner.

1200-1202 Mr. Meyer Levine, feature writer of the Chicago Daily News.

Mr. Lewis Cahn, Executive Director of the Jewish Charities of Chicago.

Prof. Memoin, Head of the Department of Political Science of the University of Chicago.

The World Battery Company stands ready to place the facilities of Radio Station W.S.B.C. and our services at the disposal of any reputable organization or government

body in time of crisis of general need, and we are willing and financially able to keep abreast of the times and render the public the service that any other Broadcasting Station in the Chicago Area is capable of doing.

1203 Form No. 37-B.

Department of Commerce, U. S. Supervisor of Radio, Chicago, Ill. Received Dec. 24, 1930.

Department of Commerce, U. S. Supervisor of Radio, Chicago, Ill. Received Dec. 29, 1930.

Federal Radio Commission, Jan. 13, 1931.

File No.: ——. Official No.: 593. Call Letters: WJAZ. Class of Service: ——.

UNITED STATES OF AMERICA:

Federal Radio Commission.

Application for Renewal of Radio Broadcasting Station License.

(Submit in duplicate to District Supervisor of Radio in charge of District in which station is located. Swear to one copy.)

Jan. 19, 1931.

To the Federal Radio Commission:

1. Name of applicant:* Zenith Radio Corporation.
2. Post-office address: State, Illinois; City, Chicago; Street and number, 3620 Iron St.
3. Citizenship: United States.

* If a corporation, state corporate name; if a partnership, state names of all partners and the name under which the partnership does business; if an unincorporated association, state the name of an executive officer, the office held by him, and the name of the association. The same name or names should be signed in the place provided at the end of application, except that in the case of a partnership the application may be signed in the name of the partnership by one of the partners. This application must be executed and signed in the name which appears on the license for which renewal is requested, unless there has been an assignment of the license with the written consent of the Commission.

4. Sate whether applicant is a corporation, partnership, or association: Corporation.

5. If applicant is a corporation, state (*a*) Under laws of what State it is organized: Illinois. (b) May more than one-fifth of capital stock be voted by aliens or their representatives, or by foreign government or representative thereof? No. (*c*) Is any director or officer an alien? If so, state his name and position: No. (*d*) If applicant is a subsidiary, state name and address of parent company and under laws of what State or country parent company is organized: No. (*e*) Whether stock is to be sold for the purpose of raising money to operate station: No.

1204-1207 6. State fully the facts showing applicant's financial responsibility with respect to operation of this station: High Commercial Standing.

7. Is applicant a representative of an alien or foreign Government? No.

8. Has the applicant, since February 23, 1927, been finally adjudged guilty by any Federal court of unlawfully monoplizing, or attempting unlawfully to monopolize, radio communication through control of manufacture or sale of radio apparatus, exclusive traffic arrangements, or any other means, or of unfair methods of competition? No.

9. State applicant's relation to station (whether applicant is owner or lessee, and if not, nature of applicant's interest in use and control of station): Owner.

10. If applicant is not owner of station, who is? ——.

11. File number and date of license sought to be renewed: 4-R-B-593, Oct. 14, 1930.

12. The existing license authorizes the use of: (*a*) Frequency, 1490 kilocycles. (*b*) Power output for daytime operation, 3276 watts; Nighttime, 3276 watts. (*c*) Hours of operation, 4:00-6:00 P. M. (*d*) Call letters, WJAZ.

13. Under existing license, state (*a*) Average per cent of time weekly, devoted to following services: (1) Entertainment, 12; (2) Religious, ——; (3) Commercial, ——; (4) Educational, ——; (5) Agricultural, ——; (6) Fraternal, ——; (7) ——. (*b*) Average number of hours per month station has operated during present license period: ——. (*c*) Does the applicant sell time? No. (*d*) If applicant does not sell time, how is station supported? Entirely as an expense to the Zenith Radio Corp. (*e*) Number of

weekly hours of sponsored programs is none; of direct advertising programs is none. (*f*) Are merchandise prices quoted in interest of applicant? No; or others? No.

1208 & 1209 27. Specify actual periods station has been operated since effective date of existing license:

	A. M.	P. M.	Total daily hours
Sunday			
Monday		4:00-6:00	2
Tuesday		"	2
Wednesday		"	2
Thursday		"	2
Friday		"	2
Saturday		"	2
Total weekly hours			12

28. Does this station divide time? ——. If so, with what station? WORD, WCKY, WCHI.

29. State average number of hours per month station will be operated during each month in the summer: 54 hours; Each month in the winter, 54 hours.

30. Does station obtain programs from what is known as a "chain?" No. (*a*) Name of chain, ——. (*b*) What is total hours per week of chain programs (i. e., programs, both paid or sustaining, which are duplicated by any other station)? ——.

31. (*a*) Attach printed program for week last preceding date of this application

1210-1213 35. State definite facts why the continued operation of the station will be in the public convenience, interest, or necessity? Because of the high quality of programs guaranteed by the desire of the Zenith Radio Corporation to render a satisfactory service to its listeners.

1214 Form No. 37-B.

Department of Commerce, U. S. Supervisor of Radio, Chicago, Ill. Received Dec. 29, 1930.

Federal Radio Commission, Jan. 2, 1931.

File No.: ——. Official No.: 577. Call Letters: WLS. Class of Service: ——.

Jan. 5, 1931.

UNITED STATES OF AMERICA:

Federal Radio Commission.

Application for Renewal of Radio Broadcasting Station License.

(Submit in duplicate to District Supervisor of Radio in charge of District in which station is located. Swear to one copy.)

To the Federal Radio Commission:

1. Name of applicant:* Agricultural Broadcasting Company.

2. Post-office address: State, Illinois; City, Chicago; Street and number, 1230 West Washington Blvd.

3. Citizenship: United States of America.

4. State whether applicant is a corporation, partnership, or association: Corporation.

5. If applicant is a corporation, state (*a*) Under laws of what State it is organized: Illinois. (*b*) May more than one-fifth of capital stock be voted by aliens or their representatives, or by a foreign government or representative thereof? No. (*c*) Is any director or officer an alien? If so, state his name and position: No. (*d*) If applicant is a subsidiary, state name and address of parent company and under laws of what State or country parent company is organized: No. (*e*) Whether stock is to be sold for the purpose of raising money to operate station: No present plan of selling stock is contemplated.

1215-1218 6. State fully the facts showing applicant's financial responsibility with respect to operation of this station: WLS is self-supporting by advertising sales on a basis of $35,000.00 yearly expenditure. Prairie

* If a corporation, state corporate name; if a partnership, state names of all partners and the name under which the partnership does business; if an unincorporated association, state the name of an executive officer, the office held by him, and the name of the association. The same name or names should be signed in the place provided at the end of application, except that in the case of a partnership the application may be signed in the name of the partnership by one of the partners. This application must be executed and signed in the name which appears on the license for which renewal is requested, unless there has been an assignment of the license with the written consent of the Commission.

Farmer owning 51% of stock and Sears, Roebuck & Co. owning 49% of stock, are both financially responsibile to operate WLS.

7. Is applicant a representative of an alien or foreign Government? No.

8. Has the applicant, since February 23, 1927, been finally adjudged guilty by any Federal court of unlawfully monopolizing, or attempting unlawfully to monopolize, radio communication through control of manufacture or sale of radio apparatus, exclusive traffic arrangements, or any other means, or of unfair methods of competition? No.

9. State applican't relation to station (whether applicant is owner or lessee, and if not, nature of applicant's interest in use and control of station): Applicant is owner of station.

10. If applicant is not owner of station, who is? ——.

11. File number and date of license sought to be renewed: 4 R-B-577, October 9, 1930.

12. The existing license authorizes the use of: (*a*) Frequency, 870 kilocycles. (*b*) Power output for daytime operation, 500 watts; Nighttime, 5000 watts. (*c*) Hours of operation, Half-time. (*d*) Call letters, WLS.

13. Under existing license, state (*a*) Average per cent of time weekly, devoted to following services: (1) Entertainment, 20; (2) Religious, 3½; (3) Commercial, 24½; (4) Educational, 2; (5) Agricultural, 15½; (6) Much of our agricultural program is educational; (7) ——. (*b*) Average number of hours per month station has operated during present license period, 284.

1219 27. Specify actual periods station has been operated since effective date of existing license:

	A. M.	P. M.	Total daily hours.
Sunday		12:30-3:30 6-8	5 hrs.
Monday	6:00-10:15	11:45-3:30 7-8:30	9½ "
Tuesday	" "	" " "	9½ "
Wednesday	" "	" " "	9½ "
Thursday	" "	" " "	9½ "
Friday	" "	" " "	9½ "
Saturday	" "	" " 7-12	13 "
Total weekly hours			65½ "

28. Does station divide time? Yes. If so, with what station? WENR.

29. State average number of hours per month station will be operated during each month in the summer; 271 hrs. Each month in the winter, 284 hrs.

30. Does station obtain programs from what is known as a "chain?" Yes. (*a*) Name of chain, National Broadcasting Company. (*b*) What is total hours per week of chain programs (i. e., programs, both paid or sustaining, which are duplicated by any other station)? 3 hrs. 30 min.

31. (*a*) Attach printed program for week last preceding date of this application.

1219-1 Monday, December 22, 1930.

870 Kc.—WLS—345 M.

Chicago.

(Prairie Farmer Station—5,000 Watts.)

(Daytime.)

6:00 a. m.—Smile-a-While Time.
6:30 a. m.—WLS—Good Morning, variety.
7:00 a. m.—"Oatesville General Store"—Comedy Skit.
7:15 a. m.—Music; Weather.
7:30 a. m.—"Breakfast Brigade"; with Paul Rader.
8:00 a. m.—NBC—Quaker Crackles.
8:15 a. m.—Steamboat Bill, Music.
8:30 a. m.—Musical Program.
8:45 a. m.—United Press Reporter.
8:50 a. m.—Weather; Hog Flash.
9:00 a. m.—Swift Bulletin Board.
9:10 a. m.—Tower Topics, Home Hints.
9:30 a. m.—Clem & Harry.
10:00 a. m.—Livest'k, Poultry, Dairy Mkts.
10:15 a. m.—Sign Off.
11:45 a. m.—Music, midwest weather.
11:55 a. m.—United Press Reporter.
12:00 noon—Dinnerbell Time.
12:30 p. m.—Closing Livestock, Jim Poole.
12:40 p. m.—"Streator, Ill," Wm. Godfrey, City Ed., Streator Times Press. Swift Rangers.
1:10 p. m.—Farm Markets.
1:30 p. m.—Matinee Musicale.

1:45 p. m.—Dick and Ben; Harmony.
2:00 p. m.—"First Course at the Xmas Dinner," Martha Logan, Swift & Co.; Rangers.
2:30 p. m.—Homemakers' Period.
3:00 p. m.—United Press Reporter.
3:05 p. m.—Variety Music.
3:15 p. m.—Shoppers' Service.
3:30 p. m.—Sign Off.

(Evening.)

7:00 p. m.—Family Party; Variety Music.
7:30 p. m.—Sears Roebuck Popular Prog.
8:00 p. m.—Musical Feature.
8:15 p. m.—Radiola Sparkles; Variety.

1219-2 Tuesday, December 23, 1930.

870 Kc.—WLS—345 M.

Chicago.

(Prairie Farmer Station—2,000 Watts.)

(Daytime.)

6:00 a. m.—Smile-a-While Time.
6:30 a. m.—WLS—Good Morning, variety.
7:00 a. m.—"Oatesville General Store"—Comedy Skit.
7:10 a. m.—Midwest Weather.
7:15 a. m.—Stephenson Songsters—Harmony.
7:30 a. m.—"Breakfast Brigade"—Chicago Gospel Tabernacle.
8:00 a. m.—NBC—"Quaker Crackles."
8:15 a. m.—Steamboat Bill, Music.
8:30 a. m.—Smile-a-While Time.
8:45 a. m.—United Press Reporter.
8:50 a. m.—Weather; Hog Flash.
9:00 a. m.—Farm News.
9:10 a. m.—Tower Topics, Home Hints.
9:30 a. m.—Clem & Harry.
9:45 a. m.—Town Crier Cooking School.
10:00 a. m.—Livest'k, Poultry, Dairy Mkts.
11:45 a. m.—Music; Midwest Weather.

11:55 a. m.—United Press Reporter.
12:00 noon—Dinnerbell Time.
12:30 p. m.—Closing Livestock, Jim Poole.
12:40 p. m.—Swift Roundup; Greetings to Hillsdale, Mich.
1:10 p. m.—Closing Butter, Egg Market.
1:15 p. m.—Grain Market; Variety Music.
1:30 p. m.—Matinee concert.
2:00 p. m.—"Salads for the 25th," Martha Logan, Swift & Co.; Rangers.
2:30 p. m.—Homemakers' Period.
3:00 p. m.—United Press Reporter.
3:05 p. m.—Variety Music.
3:15 p. m.—"Kitchen Cabinets"—Mrs. Blanche Chenoweth.
3:30 p. m.—Sign Off.

(Evening.)

7:00 p. m.—Family Party; Variety.
7:15 p. m.—Eddie Guest, Poems.
7:30 p. m.—ABC—Variety Music.
8:00 p. m.—Murphy Minstrels.

1219-3 Wednesday, December 24, 1930.

870 Kc.—WLS—345 M.

Chicago.

(Prairie Farmer Station—5,000 Watts.)

(Daytime.)

6:00 a. m.—Smile-a-While Time.
6:30 a. m.—WLS—Good Morning, variety.
7:00 a. m.—"Oatesville General Store."
7:10 a. m.—Midwest Weather.
7:15 a. m.—Smile-a-While Time.
7:30 a. m.—"Breakfast Brigade"—Chicago Gospel Tabernacle; Paul Rader.
8:00 a. m.—NBC—"Quaker Crackles."
8:15 a. m.—Steamboat Bill, Music.
8:30 a. m.—Smile-a-While Time.
8:45 a. m.—United Press Reporter.
8:50 a. m.—Weather; Hog Flash.

9:00 a. m.—Swift Bulletin Board.
9:10 a. m.—Tower Topics, Home Hints.
9:30 a. m.—Clem & Harry.
10:00 a. m.—Livest'k, Poultry, Dairy Mkts.
11:45 a. m.—Music; Midwest Weather.
11:55 a. m.—United Press Reporter.
12:00 noon—Dinnerbell Time.
12:30 p. m.—Closing Livestock, Jim Poole.
12:40 p. m.—"Christmas in Other Lands," Swift Rangers.
1:10 p. m.—Closing Butter, Egg Market.
1:15 p. m.—Grain Market; Variety Music.
1:30 p. m.—NBC—"Band of 1000 Melodies."
2:00 p. m.—"Sauces de Luxe," Martha Logan, Swift & Co.; Rangers.
2:30 p. m.—Homemakers' Period.
3:00 p. m.—United Press Reporter.
3:05 p. m.—Variety Music.
3:15 p. m.—Shoppers Service.
3:30 p. m.—Sign Off.

(Evening.)

7:00 p. m.—Family Party; Variety.
7:15 p. m.—Hot Time in Old Town (Int. Heating); Variety.
7:30 p. m.—Community Club; Farm Feat.
8:00 p. m.—Surprise Feature.

1219-4 Thursday, December 25, 1930.

870 Kc.—WLS—345 M.

Chicago.

(Prairie Farmer Station—5,000 Watts.)

(Daytime.)

6:00 a. m.—Smile-a-While Time.
6:30 a. m.—WLS—Good Morning, variety.
7:00 a. m.—"Oatesville General Store."
7:10 a. m.—Midwest Weather.
7:15 a. m.—Stephenson Songsters—Harmony.
7:30 a. m.—"Breakfast Brigade"; Chicago Gospel Tabernacle: Paul Rader.

8:00 a. m.—"Quaker Crackles."
8:15 a. m.—Steamboat Bill, Music.
8:30 a. m.—Smile-a-While Time.
8:45 a. m.—United Press Reporter.
8:50 a. m.—Musical Features.
10:15 a. m.—Sign Off.
11:45 a. m.—Music; Midwest Weather.
11:55 a. m.—United Press Reporter.
12:00 noon—Dinnerbell Time.
12:30 p. m.—"The Toy Shop," by the Swift Rangers.
1:20 p. m.—Chevrolet Chronicles (E. T.).
2:00 p. m.—Martha Logan Time.
2:30 p. m.—Homemaker's Time.
3:00 p. m.—United Press Reporter.
3:05 p. m.—Variety music.
3:15 p. m.—"Kitchen Cabinets," Mrs. B. E. Chenoweth.
3:30 p. m.—Sign Off.

(Evening.)

7:00 p. m.—Family Party.
7:30 p. m.—Sterling Jamboree—Variety.
8:00 p. m.—Sears' Singers.
8:30 p. m.—Sign Off.

1219-5 Friday, December 26, 1930.

870 Kc.—WLS—345 M.

Chicago.

(Prairie Farmer Station—5,000 Watts.)

(Daytime.)

6:00 a. m.—Smile-a-While Time.
6:10 a. m.—Fur Market, Music.
6:20 a. m.—Trading Post, Music.
6:30 a. m.—WLS—Good Morning, variety.
7:00 a. m.—"Oatesville General Store."
7:10 a. m.—Midwest Weather.
7:15 a. m.—Smile-a-While Time.
7:30 a. m.—"Breakfast Brigade"; Chicago Gospel Tabernacle; Paul Rader.
8:00 a. m.—NBC—"Quaker Crackles."

8:15 a. m.—Steamboat Bill, Music.
8:30 a. m.—Smile-a-While Time.
8:45 a. m.—United Press Reporter.
8:50 a. m.—Weather; Hog Flash.
9:00 a. m.—Swift Bulletin Board.
9:10 a. m.—Tower Topics, Home Hints.
9:30 a. m.—Radio Bazaar, Music.
9:45 a. m.—Town Crier Cooking School.
10:00 a. m.—Livest'k, Poultry, Dairy Mkts.
11:45 a. m.—Music; Midwest Weather.
11:55 a. m.—United Press Reporter.
12:00 noon—Dinnerbell Time.
12:30 p. m.—Closing Livestock, Jim Poole.
12:40 p. m.—Swift Roundup; Sterling H. S. Harmony Eight; The Rangers.
1:10 p. m.—Closing Butter, Egg Market.
1:15 p. m.—Grain Market; Variety Music.
1:30 p. m.—Hiram & Henry.
1:45 p. m.—Clem & Harry, Harmony.
2:00 p. m.—"Ham for the New Year Dinner," S. E. Carroll, Swift & Co.; Swift Rangers.
2:30 p. m.—Sears Matinee prog.—Variety.
3:00 p. m.—United Press Reporter.
3:05 p. m.—Sears Matinee program—(continued).
3:30 p. m.—Sign Off.

(Evening.)

7:00 p. m.—Family Party; Variety.
7:15 p. m.—Hot Time in Old Town.
7:30 p. m.—The Marching Men, male chorus.
8:00 p. m.—"The Prairie President"; Lincoln Production.
8:30 p. m.—Sign Off.

1219-6 Saturday, December 27, 1930.

870 Kc.—WLS—345 M.

Chicago.

(Prairie Farmer Station—5,000 Watts.)

(Daytime.)

6:00 a. m.—Smile-a-While Time.
6:10 a. m.—Fur Market, Music.

6:20 a. m.—Trading Post, Music.
6:30 a. m.—WLS—Good Morning, variety.
7:00 a. m.—"Oatesville General Store."
7:10 a. m.—Midwest Weather.
7:15 a. m.—Stephenson Songsters—Harmony.
7:30 a. m.—"Breakfast Brigade"; Chicago Gospel Tabernacle; Paul Rader.
8:00 a. m.—NBC—"Quaker Crackles."
8:15 a. m.—Steamboat Bill, Music.
8:30 a. m.—Smile-a-While Time.
8:45 a. m.—United Press Reporter.
8:50 a. m.—Weather; Hog Flash.
9:00 a. m.—Farm News.
9:10 a. m.—Tower Topics, Home Hints.
9:30 a. m.—Radio Bazaar, Music.
10:00 a. m.—Livest'k, Poultry, Dairy Mkts.

Through WLS—870 Kc.

11:45 a. m.—Music; Weather; News.
12:00 noon—Clem & Harry; Harmony.
12:30 p. m.—NBC—Keystone Chronicle.
12:45 p. m.—Farm Markets.
1:00 p. m.—Hiram's Harmonica Club.
1:30 p. m.—Merry-Go-Round; Variety.
3:00 p. m.—United Press Reporter.
3:30 p. m.—Sign Off.

(Evening.)

7:00 p. m.—Enarco Records.
7:30 p. m.—United Press News.
7:35 p. m.—Musical Feature.
8:00 p. m.—National Barn Dance.
8:30 p. m.—Aladdin Frolic; old Music.
9:00 p. m.—National Barn Dance.
9:45 p. m.—Coyne Boys; Harmony.
10:00 p. m.—NBC—Amos n' Andy.
10:15 p. m.—Kitchen Klenzer Novelty.
10:30 p. m.—National Barn Dance with Maple City 4, Fiddle Band, Renfro Boys, Doc Hopkins, Arkansas Woodchopper, Pie Plant Pete, Little German Band, Hiram & Henry Variety acts.
12:00 mid.—Sign Off.

1219-7 Sunday, December 28, 1930.

870 Kc.—WLS—345 M.

Chicago.

(Prairie Farmer Station—5,000 Watts.)

(Daytime.)

12:30 p. m.—Polish Music Hour.
1:30 p. m.—Weather; Market Estimate.
1:35 p. m.—NBC—Artists' Bureau.
2:00 p. m.—Cross Roads Sunday School.
2:30 p. m.—NBC—Southland Singers.
3:00 p. m.—John Brown, Pianist.
3:15 p. m.—Surprise Feature.
3:30 p. m.—Sign off.

(Evening.)

6:00 p. m.—NBC—Big Brother Club.
6:30 p. m.—Weather & Market Estimate.
6:35 p. m.—Little Brown Church of the Air.
7:30 p. m.—Sunday Concert—Orchestra and singers.
8:00 p. m.—Sign Off.

WJBT

770 Kc.—WBBM—389.4 M.

Chicago.

(WBBM Air Theatre—Chicago Times—25,000 Watts.)

(Daytime.)

WJBT.

10:00 a. m.—Philco Hour.
10:30 a. m.—Church Organ; Violinist.
11:00 a. m.—People's Church of Chicago—Dr. Preston Bradley.

WBBM.

12:45 p. m.—CBS—Conclave of Nations.
1:00 p. m.—Variety Hour.
2:00 p. m.—Martha Washington Prog.
2:15 p. m.—CBS Features.
4:30 p. m.—CBS—French Trio.

5:00 p. m.—Social Service Hour with Jan Garber's Orchestra (1 hour).
6:00 p. m.—Chevrolet Program.
6:30 p. m.—Purity Bakeries, Cecil & Sally.
6:45 p. m.—Off the Air.
8:00 p. m.—CBS—Majestic Theater of the Air.
8:30 p. m.—California Tours.
8:45 p. m.—Metro Musical.
9:00 p. m.—CBS—Royal Program.
9:30 p. m.—CBS—Barnsdall Program.
10:00 p. m.—Off the Air.
11:15 p. m.—Jan Garber's Orchestra.
11:30 p. m.—Ben Bernie's Orchestra.
12:00 mid.—WBBM Nutty Club with Paul Whiteman and Famous Guest Artists.

1220 35. State definite facts why the continued operation of the station will be in the public ocnvenience, interest, or necessity? Attached.

1221-1230 *Reply to Question No.* 35.

Because WLS is primarily devoted to serving agriculture and is generally recognized as a outstanding agricultural station in all America.

Because the agricultural industry of the midwest needs a radio station devoted to its interests with clear channel and full time on the air, and sufficient power to give reliable service at all times.

Because WLS service and programs are not duplicated by any other radio station in the country.

Because WLS secures the active co-operation from public institutions, such as universities, colleges, farm organizations and other institutions of a similar character.

Because WLS is consistently presenting broadcast features for the promotion of education, art and culture, and is consistently supporting worthy organizations and projects in the field that it covers in the middle west. Outstanding examples of this in the past two years are the presentation of fifty-nine large choruses and choirs, six inter-collegiate debates, thirteen adventure and scientist's lectures, thirty eminent figures in the world of politics, music, art and lieterature, twelve doctors, twenty mid-west poets and three hun-

dred four dramatic presentations, including the life of Abraham Lincoln.

Because WLS maintains 60% of its hours on the air for service and only 40% for commercial program.

Because WLS has priority to operate on the channel of 870 kilocycles as has been heretofore found and established by the Commission. WLS has claimed and continues to claim the right to five-sevenths of the operating time on that channel, and this application is made without prejudice to that claim.

1231 Form No. 37-B.

Department of Commerce, U. S. Supervisor of Radio, Chicago, Ill. Received Dec. 22, 1930.

Federal Radio Commission, Dec. 26, 1930.

File No.: ——. Official No.: 555. Call Letters: WMBI. Class of Service: ——.

Ack. Dec. 30, 1930. M. D.

UNITED STATES OF AMERICA:

Federal Radio Commission.

Application for Renewal of Radio Broadcasting Station License.

(Submit in duplicate to District Supervisor of Radio in charge of District in which station is located. Swear to one copy.)

To the Federal Radio Commission:

1. Name of applicant:* The Moody Bible Institute Radio Station.

2. Post-office address: State, Illinois; City, Chicago; Street and number, 153 Institute Place.

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* If a corporation, state corporate name; if a partnership, state names of all partners and the name under which the partnership does business; if an unincorporated association, state the name of an executive officer, the office held by him, and the name of the association. The same name or names should be signed in the place provided at the end of application, except that in the case of a partnership the application may be signed in the name of the partnership by one of the partners. This application must be executed and signed in the name which appears on the license for which renewal is requested, unless there has been an assignment of the license with the written consent of the Commission.

3. Citizenship: ——.

4. State whether applicant is a corporation, partnership, or association: is a corporation not for pecuniary profit, organized under the laws of Illinois.

5. If applicant is a corporation, state (*a*) Under laws of what State it is organized: Illinois. (*b*) May more than one-fifth of capital stock be voted by aliens or their representatives, or by a foreign government or representative thereof? Has no capital stock. (*c*) Is any director or officer an alien? If so, state his name and position: No. (*d*) If applicant is a subsidiary, state name and address of parent company and under laws of what State or country parent company is organized: Leases its station from the Moody Bible Institute of Chicago, an Illinois corporation not for pecuniary profit, and is under contract with it to broadcast only its programs. (*e*) Whether stock is to be sold for the purpose of raising money to operate station: No.

1232-1238 6. State fully the facts showing applicant's financial responsibility with respect to operation of this station: See answer to question 13(*d*).

7. Is applicant a representative of an alien or foreign Government? No.

8. Has the applicant, since February 23, 1927, been finally adjudged guilty by any Federal court of unlawfully monopolizing, or attempting unlawfully to monopolize, radio communication through control of manufacture or sale of radio apparatus, exclusive traffic arrangements, or any other means, or of unfair methods of competition? No.

9. State applicant's relation to station (whether applicant is owner or lessee, and if not, nature of applicant's interest in use and control of station): Lessee.

10. If applicant is not owner of station, who is? The Moody Bible Institute of Chicago.

11. File number and date of license sought to be renewed: No. 555, dated Oct. 24, 1930. Expiring Jan. 31, 1931.

12. The existing license authorizes the use of: (*a*) Frequency, 1080 kilocycles. (*b*) Power output for daytime operation, 5000 watts; Nighttime, 5000 watts. (*c*) Hours of operation, Limited time. (*d*) Call letters, WMBI.

13. Under existing license, state, (*a*) Average per cent of time weekly, devoted to following services: All WMBI programs are of a religious-educational or religious nature.

(1) Entertainment, ——; (2) Religious, ——; (3) Commercial, ——; (4) Educational, ——; (5) Agricultural, (6) Fraternal, ——; (7) ——. (*b*) Average number of hours per month station has operated during present license period: 138 hrs. (*c*) Does applicant sell time? No.

1239 28. Does station divide time? Yes. If so, with what station? WCBD, Zion, Ill.

29. State average number of hours per month station will be operated during each month in the summer. About 140 hours. Each month in the winter: As we are a limited time station, same schedule as in summer, less reduction due to earlier time of sunset.

30. Does station obtain programs from what is known as a "chain?" No. (*a*) Name of chain: ——. (*b*) What is total hours per week of chain programs (i. e., programs, both paid or sustaining, which are duplicated by any other station)? ——.

31. (*a*) Attach printed program for week last preceding date of this application.

W-M-B-I.

1080 Kilocycles (277.6 Meters).

Dec. 21 to Dec. 27, 1930.

1239-1 Central Standard Time.

Sunday, December 21.

3:45- 4:30 P.M.—Christmas Program.....Ebenezer Danish Evangelical Lutheran Church Choir.

Monday, December 22.

7:00- 7:30 A.M.—Morning Worship Period..Howard A. Hermansen.
Music .....W-M-B-I Ensemble.
10:30-11:30 A.M.—Devotional Hour—Music..Homer Hammantree, A. W. McKee, Mr. Hermansen.
Message .....Rev. William R. Dodd, D. D.
12:30-12:50 P.M.—Organ Program .....Mr. Hermansen.
12:50- 1:30 P.M.—Christmas Story in Dialogue
2:30- 3:00 P.M.—Message .....Rev. Henry Merriwether of the Ceylon and India General Mission.
3:00- 3:30 P.M.—Music and Message.....Rev. and Mrs. J. S. Otteson.
3:30- 4:00 P.M.—Book Table .....Paul S. Heyse.
4:00- 4:30 P.M.—Gospel Service in Greek...Rev. John M. Yannicks.
10:00-11:00 P.M.—Special Program .....Announcers Trio, Jeduthun Trio, Vivian Kretz.
11:00-12:00 P.M.—Music .....W-M-B-I Ensemble.
"Why All Men Need the Atonement of Christ in Order to be Saved".....Rev. James M. Gray, D. D.
12:00-12:30 A.M.—Special Italian Christmas Service

Tuesday, December 23.

7:00- 7:30 A.M.—Morning Worship Period..Melvin Seguine.
Music .....Edna Stephenson, J. Dorothy Frey, John Grant, James Luckman.
10:30-10:55 A.M.—Music .....Donald Pratt, Julia Carmichael, Richard McCaslin, Mildred Herbold.
10:55-11:30 A.M.—Missionary Address .....John R. Riebe.
1:00- 1:30 P.M.—Christmas Story in Dialogue
2:30- 3:00 P.M.—Music .....Announcers Trio, Wesley Eagan.
"The Problem of Affliction"Wendell P. Loveless.
3:00- 3:45 P.M.—Message .....Rev. J. C. O'Hair.
3:45- 4:30 P.M.—Scandinavian Service ....Professor Carl Hanson.

Wednesday, December 24.

7:00- 7:30 A.M.—Morning Worship Period..James Inglis
Music .....W-M-B-I Ensemble.
10:00-12:00 M—Shut-In Request Program. Announcers Trio. Frances Frederickson, Frances Seguine.
12:30-12:50 P.M.—Organ Program .....Mr. Hermansen.
12:50- 1:30 P.M.—Christmas Story in Dialogue
2:30- 3:00 P.M.—W-M-B-I Weekly Prayer Service
3:00- 3:35 P.M.—Win One Band
3:35- 3:55 P.M.—Music .....Evan John, Hilmore Cedarholm, Carl Porritt.
3:55- 4:30 P.M.—Sunday School Lesson.....Grace Saxe.

NOTE: Special Hour 10:00 P. M., Monday night.
Christmas Story in Dialogue, Monday, Tuesday and Wednesday noon.
Next Week: Dr. Paul Holsinger, of California.

1239-2 & 1240

7:00- 7:30 A.M.—Morning Worship Period..P. B. Chenault.
Music .....W-M-B-I Ensemble.
10:30-11:30 A.M.—Program .....Announcers Trio.
1:00- 1:30 P.M.—Organ Program .....Mr. Porritt.
3:00- 4:00 P.M.—Music .....Mr. Pratt, Mr. Eagan, Mr. Porritt.
Message .....Dr. L. Sale-Harrison, of Australia.

Friday, December 26.

7:00- 7:15 A.M.—Morning Worship Period..Mr. Seguine
7:15- 8:00 A.M.—Morning Glory Club .....Uncle Phil.
10:30-10:50 A.M.—Music .....Mr. Grant, Miss Stephenson, Miss Herbold, Mr. Porritt.
10:50-11:30 A.M.—Message .....Rev. C. A. Porter.
12:30- 1:30 P.M.—Organ and Piano Duets...Mr. Loveless, Mr. Hermansen, Mr. Hammontree, Mr. McKee.
2:30- 3:15 P.M.—Program .....Rev. A. C. Good and Male Quartette.
3:15- 3:40 P.M.—Music .....W-M-B-I Ensemble.
3:40- 4:30 P.M.—Home Hour .....Mrs. McCord, assisted by Mrs. J. E. Conant, Mrs. D. E. McGowan.
Music .....Hilma Johnson, Elizabeth Freedberg.
12:00- 1:00 A.M.—The Midnight Hour—Music. W-M-B-I Ensemble.
Message .....Dr. Sale-Harrison.

Saturday, December 27.

7:00- 7:30 A.M.	Morning Worship Period	Herman Newell.
	Music	W-M-B-I Ensemble.
10:30-10:40 A.M.	Music	Mr. Pratt, Mr. Porritt.
10:40-11:00 A.M.	Church School Hour	Ruby A. Jackson.
11:00-11:30 A.M.	K. Y. B. Club	Mr. Seguine.
11:30-12:00 M	Jewish Sabbath Service	Rev. Solomon Birnbaum.
12:30- 1:30 P.M.	Organ Program	Emily Stankewitz, W-M-B-I Ensemble.
2:00- 2:10 P.M.	Music	Gladys Mary Talbot, Mr. Porritt.
2:10- 2:30 P.M.	"Girls' Problems of Today as Discussed by Mother Ruth"	
2:30- 3:15 P.M.	Music	Announcers Trio, Jeduthun Trio, George Edstrom.
3:15- 4:00 P.M.	Plain Talk Period	Mr. Loveless
4:00- 4:30 P.M.	Gospel Service in Italian	Rev. A. F. Scorza.

Station W-M-B-I is broadcasting on a frequency to which Station WBT at Charlotte, N. C., has first right for broadcasting hours after dark. We therefore are sometimes obliged to make changes of our published evening schedule without notice.

W-M-B-I Echoes

"While times are hard, to say the least, for many people, I am of the opinion that the world is much richer for the service your radio station is rendering. The check I am enclosing is a holiday gift to your station."—Illinois.

"On October 24 I tuned in your station (Midnight Hour) at excellent volume. We in —— are in the worst position in New Zealand for radio reception, so you see W-M-B-I is stretching its long arms right into the utmost corners of the earth. We in New Zealand can enjoy your services as well as any of our American cousins, but this is the first time I have been successful in picking up W-M-B-I. I sincerely hope to be able to listen to your services many more times."
—New Zealand.

1241-1244 35. State definite facts why the continued operation of the station will be in the public convenience, interest, or necessity? In reply to question 35: The applicant proposes to broadcast only the programs of the Moody Bible Institute of Chicago. The programs will be of the same character as the programs that are now being broadcast and have for some time been broadcast by the Moody Bible Institute of Chicago from said station. The program is educational and spiritual and unique from most programs now on the air. It is of a conservative and constructive type of Christianity, bearing witness to a personal God, an inspired Bible, a Divine Saviour, and a future

life whose happiness or unhappiness is determined here. The Commission will appreciate the value and importance of this fact in view of the present increase of crime and lawlessness in our large communities which calls for a change in the human heart even more than the enforcement of the law.

The program, therefore, is remedial and educational rather than controversial. It is not for pecuniary profit, but for the moral and spiritual welfare of our fellowmen, and inasmuch as it brings comfort, promotes cheerfulness, dissolves doubts, strengthens faith, and quickens hope, it is promotive of the highest quality of citizenship and most unselfish patriotism.

The program consists essentially of brief addresses by world leaders in Christian affairs, members of the faculty of the Moody Bible Institute of Chicago, and prominent missionaries and Christian workers. In all periods on the air, gospel music, both vocal and instrumental, plays a large part.

The program is not intended purely as a local one, but the desire is that all people within hearing distance of the station may be helped and benefited.

1245 Form No. 37-B.

Department of Commerce, U. S. Supervisor of Radio, Chicago, Ill. Received Dec. 26, 1930.

Federal Radio Commission, Dec. 30, 1930.

File No.: S. B. 560. Official No.: 560. Call Letters: WGN-WLIB. Class of Service: Broadcasting.

Ack. Jan. 2, 1931. M. D.

UNITED STATES OF AMERICA:

Federal Radio Commission.

Application for Renewal of Radio Broadcasting Station License.

(Submit in duplicate to District Supervisor of Radio in charge of District in which station is located. Swear to one copy.)

To the Federal Radio Commission:

1. Name of applicant:* The Tribune Company.

2. Post-office address: State, Illinois; City, Chicago; Street and number, 435 North Michigan Avenue.

3. Citizenship: an Illinois corporation.

4. State whether applicant is a corporation, partnership, or association: Corporation.

5. If applicant is a corporation, state (*a*) Under laws of what State it is organized: Illinois. (*b*) May more than one-fifth of capital stock be voted by aliens or their representatives, or by a foreign government or representative thereof? No. (*c*) Is any director or officer an alien? If so, state his name and position: No. (*d*) If applicant is a subsidiary, state name and address of parent company and under laws of what State or country parent company is organized: Applicant is not a subsidiary. (*e*) Whether stock is to be sold for the purpose of raising money to operate station: No.

1246-1249 6. State fully the facts showing applicant's financial responsibility with respect to operation of this station: Applicant is publisher of the Chicago Tribune. It is a corporation with resources many times more than sufficient to operate and maintain the station in accordance with the highest possible standards.

7. Is applicant a representative of an alien or foreign Government? No.

8. Has the applicant, since February 23, 1927 been finally adjudged guilty by any Federal court of unlawfully monopolizing, or attempting unlawfully to monopolize, radio communication through control of manufacture or sale of radio apparatus, exclusive traffic arrangements, or any other means, or of unfair methods of competition? No.

9. State applicant's relation to station (whether appli-

* If a corporation, state corporate name; if a partnership, state names of all partners and the name under which the partnership does business; if an unincorporated association, state the name of an executive officer, the office held by him, and the name of the association. The same name or names should be signed in the place provided at the end of application, except that in the case of a partnership the application may be signed in the name of the partnership by one of the partners. This application must be executed and signed in the name which appears on the license for which renewal is requested, unless there has been an assignment of the license with the written consent of the Commission.

cant is owner or lessee, and if not, nature of applicant's interest in use and control of station): Owner.

10. If applicant is not owner of station, who is? ——.

11. File number and date of license sought to be renewed: 4-R-B-560-October 20, 1930.

12. The existing license authorizes the use of: (*a*) Frequency, 720 kilocycles. (*b*) Power output for daytime operation, 25000 watts; Nighttime, 25000 watts. (*c*) Hours of operation, Unlimited. (*d*) Call letters, WGN-WLIB.

13. Under existing license, state (*a*) Average per cent of time weekly, devoted to following services: (1) Entertainment, 75%; (2) Religious, 1-½%; (3) Commercial, 1-½%;* (4) Educational, 21%; (5) Agricultural, 1%; (6) Fraternal, ——; (7) ——. (*b*) Average number of hours per month station has operated during present license period, 510.

1250 & 1251 27. Specify actual period station has been operated since effective date of existing license:

	A. M	P. M.	Total daily hours
Sunday	Midnight to 12:30	9:15 to 12:00 midnight	15-1/4 "
Monday	" " 12:30	7:00 to 12:00 midnight	17-1/2 "
Tuesday	" " 12:30	7:00 to 12:00 midnight	17-1/2 "
Wednesday	" " 12:30	7:00 to 12:00 midnight	17-1/2 "
Thursday	" " 12:30	7:00 to 12:00 midnight	17-1/2 "
Friday	" " 12:30	7:00 to 12:00 midnight	17-1/2 "
Saturday	" " 2:20	7:00 to 12:00 midnight	19 "
Total weekly hours.....			121-¾

28. Does station divide time? No. If so, with what station? ——.

29. State average number of hours per month station will be operated during each month in the summer: 522 hours; Each month in the winter, 522 hours.

30. Does station obtain program from what is known as a "chain?" Yes. (*a*) Name of chain, National Broadcasting Co. (*b*) What is total hours per week of chain programs (i. e., programs, both paid or sustaining, which are duplicated by any other station). At present—23 hours.

31. (*a*) Attach printed program for week last preceding date of this application. See Exhibit "A".

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*Estimated time consumed by commercial announcement. Hours of sponsored programs below.

1252 EXHIBIT "A".

Details of Today's W-G-N Program.

Wednesday, December 10.

(Central Standard Time.)

Daytime.

7 to 8:45—"On the 8:15"; Morning Devotions; Quaker Early Bird, Charley Hamp; Our Daily Food; Morning Melodies.
8:45 to 9—Bissell Pick Ups with Larry Larsen.
9 to 9:15—Larry Larsen's Mail Box.
9:15 to 9:45—Digest of the Day's News.
9:45 to 10—Larry Larsen.
10 to 10:15—Favorite Classics.
10:15 to 10:30—Teddy and Ben.
10:30 to 10:45—Mickleberry Maids.
10:45 to 11—Home Management.
11 to 11:30—Everybody's Hour: Zuleime Highley, contralto; Vernon Gearhardt, baritone; Larry Larsen; Tonecasters.
11:30 to 11:40—"Painted Dreams."
11:40 to 12—Everybody's Hour (cont.).
12 to 12:10—Good Health and Training.
12:10 to 12:20—Good Fellow Talk.
12:20 to 12:30—The Town Farmer.
12:30 to 1:45—Luncheon Concert: Drake Concert Ensemble; Blackstone String Quintet.
1:45 to 2—East and Dumke's "Sisters of the Skillet."
2 to 2:30—Luncheon Concert resumed.
2:30 to 3—Women's Club: Mrs. F. J. Nichols, speaker; Allan Grant, pianist.
3 to 5—Teatime Musical: Bozena Novotny, soprano; Lutio Garcia, tenor; Anna May Chandler, soprano; "Teddy and Ben"; Bob Greer in "Down in Dixie"; Sylvia Stone, mezzo soprano; Larry Larsen; Tonecasters.
5 to 5:30—The Bookworm; Thomas Talmadge, "History of the American Skyscraper."
5:30 to 5:45—Larry Larsen.
5:45 to 6—Little Orphan Annie.

6 to 6:15—Uncle Quin's Punch and Judy Show, Sponsored by Tastyeast.
6:15 to 6:20—Tea Room Pie Melodies.
6:20 to 6:30—Today's Financial Review, Sponsored by Standard American corporation.
6:30 to 6:45—Ted Fio-Rito's Orchestra.
6:45 to 7—Harold Teen.

Evening.

7 to 7:10—Bulova Correct Time; Walter Pontius, tenor; W-G-N Symphony Orchestra; W-G-N Syncopators.
7:10 to 7:20—D. S. Komiss Program.
7:20 to 7:30—Thirty Musical Pages.
7:30 to 8—Mobiloil Program.
8 to 8:30—Quin Ryan's Rambles.
8:30 to 9:30—Palmolive Hour.
9:30 to 9:45—The Super Suds Girls—"Clara, Lu 'n' Em."
9:45 to 10—Thompson's Musical Chefs.
10 to 10:10—Tomorrow's Tribune.
10:10 to 10:20—Allan Grant, pianist.
10:20 to 10:30—Louie's Hungry Five.
10:30 to 11—Tom, Dick and Harry; W-G-N Symphony Orchestra; W-G-N Syncopators.
11 to 11:20—Bulova Correct Time; Ted Fio-Rito's Orchestra.
11:20 to 11:40—Clyde McCoy's Drake Hotel Orchestra.
11:40 to 12—Ted Fio-Rito's Orchestra.
12 to 12:30—Clyde McCoy's Drake Hotel Orchestra.

1252-1

Quin Ryan.

Today at 5:30.

Willie Hoppe.

Details of Today's W-G-N Program.

Thursday, December 11.

(Central Standard Time).

Daytime.

7 to 8:45—"On the 8:15"; Morning Devotions; Quaker Early Bird; Charley Hamp; Our Daily Food; Morning Melodies.
8:45 to 9—Bissell Pick Ups with Larry Larsen.
9 to 9:15—Larry Larsen's Mailbox.

9:15 to 9:45—Digest of the Day's News.
9:45 to 10—Larry Larsen.
10 to 10:15—Favorite Classics.
10:15 to 10:30—Teddy and Ben.
10:30 to 10:45—Mickelberry Maids.
10:45 to 11:15—American Institute of Food Products.
11:15 to 11:30—Everybody's Hour; Charlotte Cowan, soprano; Charles Dobson, baritone; Larry Larsen; Tonecasters.
11:30 to 11:40—"Painted Dreams."
11:40 to 12—Everybody's Hour (cont.).
12 to 12:10—Good Health and Training. Eve H. Devereaux, speaker.
12:10 to 12:20—Good Fellow Talk.
12:20 to 12:30—The Town Farmer.
12:30 to 1:45—Luncheon Concert; Drake Concert Ensemble; Blackstone String Quintet.
1:45 to 2—East and Dumke's "Sisters of the Skillet."
2 to 2:30—Luncheon Concert (cont.).
2:30 to 3—Women's Club; Mrs. Alvin Benswanger, speaker; Allan Grant, pianist.
3 to 5—Teatime Musical: Frances X. Moore, soprano; G. D. Bliss, baritone; Teddy and Ben; Bob Greer in "Down in Dixie"; Katherine Brayak, mezzo-soprano; Larry Larsen; Tonecasters.
5 to 5:30—The Bookworm: Everett Millard, "The City Beautiful."
5:30 to 5:45—Larry Larsen.
5:45 to 6—Little Orphan Annie.
6 to 6:15—Uncle Quin's Punch and Judy Show. Sponsored by Tastyeast.
6:15 to 6:20—Tea Room Pie Melodies.
6:20 to 6:30—Today's Financial Review. Sponsored by Standard American Corporation.
6:30 to 6:45—Ted Fio-Rito's Orchestra.
6:45 to 7—Harold Teen.

Evening.

7 to 8—Bulova Correct Time; Fleischmann Hour with Rudy Valee and Irene Bordoni.
8 to 8:30—Concert *Intime*.
8:30 to 9—Atlas Special Program.

9 to 9:30—Mark Love, basso; W-G-N Symphony Orchestra.
9:30 to 9:45—The Super Suds Girls: "Clara, Lu 'n' Em."
9:45 to 10—Thompson's Musical Menu.
10 to 10:10—Tomorrow's Tribune.
10:10 to 10:20—Allan Grant, pianist.
10:20 to 10:30—Louie's Hungry Five.
10:30 to 11—Sally, Irene and Mary; W-G-N Syncopators; W-G-N Symphony Orchestra.
11 to 11:20—Bulova Correct Time; Ted Fio-Rito's Orchestra.
11:20 to 11:40—Clyde McCoy's Drake Hotel Orchestra.
11:40 to 12—Ted Fio-Rito's Orchestra.
12 to 12:30—Clyde McCoy's Drake Hotel Orchestra.

1252-2 Daytime.

7 to 8—"On the 8:15"; Morning Devotions; Quaker Early Bird-, Charley Hamp; Our Daily Food.
8 to 8:30—U. S. Army Band.
8:30 to 8:45—Morning Melodies.
8:45 to 9—Bissell Pick Ups with Larry Larsen.
9 to 9:15—Larry Larsen's Mail Box.
9:15 to 9:45—Digest of the Day's News.
9:45 to 10—Larry Larsen.
10 to 11—Music Appreciation Hour with Walter Damrosch.
11 to 11:30—Everybody's Hour: The College Three; Anna May Chandler, soprano; Larry Larsen; Tonecasters.
11:30 to 11:40—"Painted Dreams."
11:40 to 12—Everybody's Hour continued.
12 to 12:10—Good Health and Training: Dr. I. M. Cohen, "Enjoying Your Visit to the Dentist."
12:10 to 12:20—Good Fellow Talk.
12:20 to 12:30—The Town Farmer.
12:30 to 1—Luncheon Concert: Drake Concert Ensemble; Blackstone String Quintet.
1 to 1:45—Executives Club of Chicago: Whiting Williams, speaker.
1:45 to 2—East and Dumke's "Sisters of the Skillet."
2 to 2:30—Luncheon Concert resumed.
2:30 to 3—Woman's Club: Helen Bennett, Mrs. William L. Hodgkins, speakers; Allan Grant, pianist.

3 to 5—Teatime Musical: Eleanor Lonek, mezzo soprano; Julius Sklute, baritone; Teddy and Ben; Bob Greer in "Down in Dixie"; Esther Jane Stone, contralto; Larry Larsen; Tonecasters.
5 to 5:30—The Bookworm: John Kennan, speaker.
5:30 to 5:45—Larry Larsen.
5:45 to 6—Little Orphan Annie.
6 to 6:15—Uncle Quin's Punch and Judy Show—Sponsored by Tastyeast.
6:15 to 6:20—Tea Room Pie Melodies.
6:20 to 6:30—Today's Financial Review—Sponsored by Standard American Corp.
6:30 to 6:45—Mickelberry Maids.
6:45 to 7—Harold Teen.

Evening.

7 to 7:10—Bulova Correct Time; W-G-N Syncopators.
7:10 to 7:20—D. S. Komiss Program.
7:20 to 7:30—C. D. Peacock Time o' Day.
7:30 to 8—National Tea Company American Home Serenade.
8 to 8:10—Allan Grant, pianist.
8:10 to 8:30—W-G-N Syncopators.
8:30 to 9—Del Lampe's Eversharp Orchestra.
9: to 9:30—Billiken Troopers.
9:30 to 9:45—The Super Suds Girls—"Clara, Lu 'n' Em."
9:45 to 10—Thompson's Musical Menu.
10 to 10:10—Tomorrow's Tribune.
10:10 to 10:20—Allan Grant, pianist.
10:20 to 10:30—Louie's Hungry Five.
10:30 to 11—Walter Pontius, tenor; W-G-N Symphony Orchestra; W-G-N Syncopators.
11 to 11:20—Bulova Correct Time; Ted Fio-Rito's Orchestra.
11:20 to 11:40—Clyde McCoy's Drake Hotel Orchestra.
11:40 to 12—Ted Fio-Rito's Orchestra.
12 to 12:30—Clyde McCoy's Drake Hotel Orchestra.

1252-3 Beginning at 7 o'clock in the morning, W-G-N brings to your home the finest in radio entertain-

ment! Whether it be the classics or the latest hit from Tin Pan Alley, real live musicians provide it. From news to drama your loudspeaker carries all the features that combine to give you interesting and entertaining programs. See details below.

Details of Today's W-G-N Program.

Saturday, December 13.

(Central Standard Time.)

Daytime.

7 to 8:45—"On the 8:15"; Morning Devotions; Quaker Early Bird; Charley Hamp; Our Daily Food; Morning Melodies.
8:45 to 9—Bissell Pick Ups with Larry Larsen.
9 to 9:15—Larry Larsen's Mail Box.
9:15 to 9:45—Digest of the Day's News.
9:45 to 10—Larry Larsen.
10 to 10:15—Favorite Classics.
10:15 to 10:30—Teddy and Ben.
10:30 to 10:45—Mickelberry Maids.
10:45 to 11:15—American Institute of Food Products.
11:15 to 11:30—Larry Larsen; Tonecasters; "Painted Dreams."
11:30 to 3—Football—Army vs. Navy.
3 to 5:45—Teatime Musical: Edgar Scott, tenor; Larry Larsen; Tonecasters; Teddy and Ben; Art Lambrecht, baritone; Margaret Smith, soprano; Bob Greer in "Down in Dixie."
5:45 to 6—Little Orphan Annie.
6 to 6:15—Uncle Quin's Punch and Judy Show, Sponsored by Tastyeast.
6:15 to 6:20—Tea Room Pie Melodies.
6:20 to 6:30—Today's Financial Review. Sponsored by Standard American Corporation.
6:30 to 6:45—Ted Fio-Rito's Orchestra.
6:45 to 7—Harold Teen.

Evening.

7 to 7:05—Bulova Correct Time; W-G-N Syncopators.
7:05 to 7:15—Bluebird Diamond Program.

7:15 to 7:20—W-G-N Syncopators.
7:20 to 7:30—Strike Up the Band.
7:30 to 7:50—W-G-N Syncopators.
7:50 to 8—Roto and Color Feature.
8 to 8:20—Ted Fio-Rito's Orchestra.
8:20 to 9—Variety.
9 to 10—Lucky Strike Hour.
10 to 10:10—Tomorrow's Tribune.
10:10 to 10:20—Allan Grant, pianist.
10:20 to 10:30—Louie's Hungry Five.
10:30 to 11—Hal Gilles; W-G-N Symphony Orchestra; W-G-N Syncopators.
11 to 11:20—Bulova Correct Time; Ted Fio-Rito's Orchestra.
11:20 to 11:40—Clyde McCoy's Drake Hotel Orchestra.
11:40 to 12—W-G-N Syncopators.
12 to 2:15—Ted Fio-Rito's Week End Frolic.

1252-4 *Details of Today's W-G-N Program.*

Monday, December 15.

(Central Standard Time.)

Daytime.

7 to 8:45—"On the 8:15"; Morning Devotions; Quaker Early Bird; Charley Hamp; "Cheerio"; Morning Melodies.
8:45 to 9—Bissell Pick Ups with Larry Larsen.
9 to 9:15—Larry Larsen's Mail Box.
9:15 to 9:45—Digest of the Day's News.
9:45 to 10—Larry Larsen.
10 to 10:15—Favorite Classics.
10:15 to 10:30—Teddy and Ben.
10:30 to 10:45—Mickelberry Maids.
10:45 to 11—Home Management.
11 to 11:30—Everybody's Hour: Ethel Reid, soprano; Martin B. Romeiser, basso; Larry Larsen; Tonecasters.
11:30 to 11:40—"Painted Dreams."
11:40 to 12—Everybody's Hour (cont.).
12 to 12:10—Good Health and Training: Municipal Tuberculosis Sanitarium.

12:10 to 12:20—Larry Larsen.
12:20 to 12:30—The Town Farmer.
12:30 to 1:45—Luncheon Concert: Drake Concert Ensemble; Blackstone String Quintet.
1:45 to 2—East and Dumke's "Sisters of the Skillet."
2 to 2:30—Luncheon Concert (cont.).
2:30 to 3—Women's Club: Allan Grant, pianist.
3 to 5—Teatime Musical: Muriel Pontius, soprano; Carol Dela Hunt, "Elsie and Louise"; V. G. Stonebrook, tenor; Teddy and Ben; Bob Greer in "Down in Dixie"; Rose Nutter, contralto; Larry Larsen; Tonecasters.
5 to 5:30—The Bookworm: Hugh Duncan. "Weather Conditions and Flying."
5:30 to 5:45—Larry Larsen.
5:45 to 6—Little Orphan Annie.
6 to 6:15—Uncle Quin's Punch and Judy Show. Sponsored by Tastye.st.
6:15 to 6:20—Tea Room Pie Melodies.
6:20 to 6:30—Today's Financial Review. Sponsored by Standard American Corporation.
6:30 to 6:45—Ted Fio-Rito's Orchestra.
6:45 to 7—Harold Teen.

Evening.

7 to 7:05—Bulova Correct Time; W-G-N Syncopators.
7:05 to 7:15—Bluebird Diamond Program.
7:15 to 7:20—W-G-N Syncopators.
7:20 to 7:30—Thirty Musical Pages.
7:30 to 8:30—A. & P. Gypsies.
8:30 to 9—General Motors Family Party.
9 to 9:30—Adventures with Sherlock Holmes. Sponsored by G. Washington Coffee.
9:30 to 9:45—The Super Suds Girls: "Clara, Lu 'n' Em."
9:45 to 10—Ha-Dees Car Heater Program.
10 to 10:10—Tomorrow's Tribune.
10:10 to 10:20—Allan Grant, pianist.
10:20 to 10:30—Louie's Hungry Five.
10:30 to 11—Walter Pontius, tenor; W-G-N Symphony Orchestra; W-G-N Syncopators.
11 to 11:20—Bulova Correct Time; Ted Fio-Rito's Orchestra.

11:20 to 11:40—Clyde McCoy's Drake Hotel Orchestra.
11:40 to 12—Ted Fio-Rito's Orchestra.
12 to 12:30—Clyde McCoy's Drake Hotel Orchestra.

1252-5 & 1253 Tuesday, December 16.

(Central Standard Time.)

Daytime.

7 to 8:45—"On the 8:15"; Morning Devotions; "Cheerio"; Our Daily Food; Morning Melodies.
8:45 to 9—Bissell Pick Ups with Larry Larsen.
9 to 9:15—Larry Larsen's Mail Box.
9:15 to 9:45—Digest of the Day's News.
9:45 to 10—Larry Larsen.
10 to 10:15—Favorite Classics: Eva Hughes.
10:15 to 10:30—Teddy and Ben.
10:30 to 10:45—Eva Hughes, contralto; Tonecasters.
10:45 to 11:15—American Institute of Food Products.
11:15 to 11:30—Everybody's Hour: Franklin Earl Hathaway, baritone; Larry Larsen; Tonecasters.
11:30 to 11:40—"Painted Dreams."
11:40 to 12—Everybody's Hour (cont.).
12 to 12:10—Good Health and Training: Dr. Edmund F. Foley, "High Blood Pressure."
12:10 to 12:25—The Coldyke Program.
12:25 to 12:35—The Town Farmer.
12:35 to 1:45—Luncheon Concert: Drake Concert Ensemble; Blackstone String Quintet.
1:45 to 2—East and Dumke's "Sisters of the Skillet."
2 to 2:30—Luncheon Concert resumed.
2:30 to 3—Women's Club: Sarah Allan Grant, pianist.
3 to 3:30—Teatime Musical: Virginia Lee, soprano; Tunnicliff, "Smoke Abatement"; Teddy and Ben; Bob Greer "Down in Dixie"; Marie Whitlock, soprano; Anne Post, contralto; Larry Larsen; Tonecasters.
3:30 to 4—Auction Bridge Game—Sponsored by U. S. Playing Card Company.
4 to 5—Teatime Musical resumed.
5 to 5:30—The Bookworm.
5:30 to 5:45—Larry Larsen.
5:45 to 6—Little Orphan Annie.

6 to 6:15—Uncle Quin's Punch and Judy Show—Sponsored by Tastyeast.
6:15 to 6:20—Tea Room Pie Melodies.
6:20 to 6:30—Today's Financial Review—Sponsored by Standard American Corp.
6:30 to 6:45—Goldenrod Dinner Dance.
6:45 to 7—Harold Teen.

Evening.

7 to 7:10—Bulova Correct Time: W-G-N Syncopators.
7:10 to 7:20—D. S. Komiss Program.
7:20 to 7:30—C. D. Peacock Time o' Day.
7:30 to 8—Florsheim Frolic.
8 to 8:30—Eveready Hour.
8:30 to 8:45—Lawrence Salerno, baritone.
8:45 to 9—Bob Becker.
9 to 9:30—Around the Table of Melody—Sponsored by Pixley and Ehlers.
9:30 to 9:45—The Super Suds Girls—"Clara, Lu 'n' Em."
9:45 to 10—Thompson's Musical Menu.
10 to 10:10—Tomorrow's Tribune.
10:10 to 10:20—Allan Grant, pianist.
10:20 to 10:30—Louie's Hungry Five.
10:30 to 11—Hal Gilles; Tom, Dick and Harry; W-G-N Symphony Orchestra; W-G-N Syncopators.
11 to 11:20—Bulova Correct Time; Ted Fio-Rito's Orchestra.
11:20 to 11:40—Clyde McCoy's Drake Hotel Orchestra.
11:40 to 12—Ted Fio-Rito's Orchestra.
12 to 12:30—Clyde McCoy's Drake Hotel Orchestra.

1254 & 1255 35. State definite facts why the continued operation of the station will be in the public convenience, interest, or necessity? The station has at all times given and continues to give a program service of better quality than any other station in the Fourth Zone and equal to that given by any station in the United States. More money is expended on station's programs than is spent on programs of any other station in the Fourth Zone. Applicant has greater financial and program resources than any other licensee in Fourth zone. Station is one of the oldest in the United States. The station is one of the

most popular in the United States, has one of the largest service areas and is operated in accordance with the highest engineering standards.

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Docket 1156.

App. Exhibit 27.

Hart, Dice & Carlson.

Apr. 27, 1931.

Statement to Accompany Exhibits 5 to 26, Applications for Licenses of Chicago Stations, Showing Number of Hours Monthly Given to Entertainment, Religious, Agricultural Broadcasting in Chicago.

Station.	Power in kws.	Entertainment.	Religious.	Agricultural.	Educational.
WENR	50	200	13.1	14.5	17.4
WLS	50	56.7	9.9	44	5.6
WBBM	25	375	8.4	256	71
WGN	25	382	7.6	5.10	107
WJJD	20	256	16.8	59	21.0
KYW	10	193	38.5	73	64
WMBI	5	0	138	0	0
WJAZ	5	51.2	0	0	0
WMAQ	5	437	37.2	12.8	52.4
WCHI	5	31	15.6	0	5.2
WCBD	5	21	2.8	0	4.2
WIBO	1	360	25.7	0	0
WCFL	1	256	11.7	27.2	39
WAAF	½	0	0	0	40
WGES	½	116	11.6	11.6	34.7
WPCC	½	0	50	0	0
WCRW	1/10	74.5	0	0	15.4
WEDC	1/10	168.5	4.2	0	8.4
WKBI	1/10	120	0	0	10
WSBC	1/10	150	10	0	15

1257

WHFC	1/10	294	17.7	0	35.0
WEHS	1/10	57.5	0	0	11.8

Station.	Power in kws.	Entertainment.	Religious.	Agricultural.	Educational.
Totals	....	3599.4	418.8	272.8	557.1
WIBO	.....	360.0	25.7	0	0
Less WIBO	.....	3239.4	393.1	272.8	557.1
WPCC	.....	0.0	50.0	0	0
Less WPCC	.....	3239.4	343.1	272.8	557.1

1258 Federal Radio Commission, James W. Baldwin, Secretary. Received Apr. 22, 1931.

Received Apr. 22, 1931. Legal Division.

APP. EX. 28.

Federal Radio Commission, Washington, D. C.

File No. 4-ML-B-667.

In re Application of JOHNSON-KENNEDY RADIO CORP., Dated September 22, 1930, for Modification of License. Location: Gary, Indiana. Operating Assignment Specified: Frequency, 560 kc.; Power, 1 kw. night, 1250 W. LS.; Hours of Operation, Unlimited.

Depositions.

The depositions of John A. Costello, Clyde Hunter, Emma E. Claus, Frederick W. Backemeyer, H. S. Warren, William W. Ayres, Mildren Madeis, D. J. Davies, Alexander Alamsha, Frank S. Delaney, Chauncey Townsend, Arnold R. Fox, Charles Elmer Hawkins, Walter Wasielewski, Stanley Bucklind, Roswell O. Johnson, and Ethel B. Henderson, witnesses, produced and sworn to before me, a Notary Public of Lake County, Indiana, on the 20th day of April, 1931, pursuant to the enclosed order to take depositions
1259 from the Federal Radio Commission.

These depositions are taken on the part of the Johnson-Kennedy Radio Corporation of Gary, Lake County, Indiana, in a certain application filed with the Federal Radio Commission, September 22, 1930, for modification of License at Gary, Indiana, in which radio corporation is operating the following assignment specified thusly:

Frequency 560 kc. Power 1 kw. night, 1250 W. LS. Hours of operation unlimited, and being File #— before said Radio Commission.

The taking of said deposition began at the office of Mr. Thad Menczynski, 1710 Broadway, Gary, Lake County, Indiana, on Monday, April 20th, 1931, at 1:00 o'clock P. M. and adjourned to the room in the rear of 805 Broadway, Gary, Lake County, Indiana, the same being more convenient for the Notary Public and the witnesses called to testify in said matter.

1260 And thereupon the said **John A. Costello**, first witness, being duly sworn to tell the truth, the whole truth, and nothing but the truth, relating to said cause, deposes as follows:

Examination by Mr. Thomas Johnson:

Q. What is your name? A. James A. Costello.

Q. Where do you live? A. Gary, Indiana, at the Gary-Alerding Settlement House.

Q. What is your business or profession? A. Director of the Judge Gary-Bishop Alerding Settlement House.

Q. You are a priest of the Catholic faith? A. I am.

Q. What are your duties as director of the settlement house? A. First of all, to say Mass; to administer the sacraments to those who use that for their parish church; caring for the poor, in the way of providing food and clothing for them.

Q. Are the people to whom you minister composed of one nationality, or various nationalities? A. All nationalities.

1261 Q. Enumerate some of the nationalities you have to contend with. A. Italians, Croatians, Slovaks, Hungarians, Mexicans, Spaniards, Polish, German, French, Irish, English.

Q. Do you know the population of Gary? A. It is about one hundred ten thousand.

Q. Have you used Station WJKS in broadcasting? A. I have.

Q. For what purpose? A. To bring funds to my settlement house.

Q. Anything else? A. To spread Catholic doctrine as far as I possibly can; to tell the truth.

Q. Has there been any charge made any time to you for your broadcasting in the studio? A. Not a penny.

Q. What hours are you on now? A. Seven-thirty to eight-thirty. I was on from three to four until Sunday before last.

Q. Your program is known as what? A. St. Anthony's Catholic Chapel Hour.

Q. What do you broadcast at that time? A. Sermons, talks on various subjects.

Q. Do you confine your sermons exclusively to the
1262 Catholic religion? A. I do not.

Q. The sermons are then for what purpose? A. Well, for the purpose, for the betterment of all my hearers.

Q. Just a general sermon, then, topics of the day? A. Yes, topics of the day. I would not call them sermons exactly. Once in awhile it is more or less of a sermon. They are mostly lectures, on current events, topics of the day.

Q. Have you had any reports on your particular acts? A. I have.

Q. Did you find any interference? A. Yes.

Q. Do you know what was the cause of that, or why? A. Well, all of the complaints I have received were that they did not seem to reach.

Q. Did not go out? A. Did not seem to go out.

Q. Is WJKS a station that is of public interest, convenience and necessity to this community? A. Yes, sir.

Q. What effect would it have if we had more time, full time, on this station? A. A much better effect, be-
1263 cause of the many shifts of our working people.

Q. What do you mean by that? A. You have the three shifts a day, three shifts of eight hours each. If you had more time, you could reach all of these people, but as it is, some of these men are at work, women too, and it is impossible to reach them. I have had people tell me, "I was working at that time. I could not hear you. In fact I cannot get any of the WJKS programs on account of working at a certain time."

Q. In your opinion it is necessary for this community to have full time? A. It is.

Q. What has the Station done in the way of charity? A. Well it has done wonders for me. Practically all of my help, all of the help that I have received, has come through the Station, enabling me to give help to others.

Q. Does the Station distribute the things that comes to it to the various organizations? A. They have given me all kinds of help.

Q. What do you mean by help? A. They have sent me provisions, materials, clothing, as well as money.

1264 Q. Is the present assignment of WJKS suitable to cover properly a normal service in this community? A. I don't think so.

Q. Do you know anything about the amount of absorption due to the steel mills in the locality? A. No, I don't.

Q. What is the class of programs that WJKS is giving, are they of a high type or of an inferior type? A. Well, from what I can judge, it is just as high a type as I have heard over the radio.

Q. Do you know whether or not all churches, fraternal societies and civic associations are invited to use the facilities of the station every Sunday afternoon? A. As far as I can say all are treated alike.

Q. They are all invited, are all given an equal chance? A. Yes sir.

1265 The said **Clyde Hunter**, second witness, being duly sworn to tell the truth, the whole truth, and nothing but the truth relating to said cause, deposes as follows:

Examination by Mr. Thomas Johnson:

Q. What is your name? A. Clyde Hunter.

Q. What is your business or profession? A. I am president of the Gary Benzol Motor Fuel Company.

Q. Where do you live? A. 629 Madison Street.

Q. How long have you been a resident of Gary? A. Since November, 1907.

Q. Are you connected with the Elks? A. Yes.

Q. Do you hold office there? A. I am chairman of the Board of Trustees and Chairman of the House Committee.

Q. What other office or offices have you held there? A. I have held all of the elective offices in the lodge, past exalted ruler of the lodge, past president of the State association, member of the Grand Lodge, and have been a member of Grand Lodge committees.

1266 Q. The WJKS studio is located in the Elks Temple? A. Yes.

Q. What did you do before you were connected with this oil concern? A. Well, it overlapped. I have practiced law.

Q. Did you hold any public office? A. Yes. I was prosecuting attorney of Lake County, Indiana.

Q. Have the Elks any special features that they broadcast over WJKS? A. Yes, we broadcast the eleven o'clock toast every night.

Q. How long have they been broadcasting the eleven o'clock toast? A. Since the Station moved into our building, the Elks Temple.

Q. About two years? A. Approximately that.

Q. Prior to that time, was there any Elks' toast broadcast over any station in the United States, as far as you know? A. There was none broadcast then; as far as I know there is none now. There are two chain programs that broadcast the chimes at eleven o'clock, but it is

1267 only one night a week.

Q. And this particular toast is given nightly? A. Nightly.

Q. Do you know whether any of the other lodges outside of the Gary Lodge tune in on your broadcasting of the eleven o'clock toast? A. Hammond and Michigan City do regularly. They call their club rooms to order at five minutes to eleven. As to those two, I absolutely know that. There may be others.

Q. Then this Elks' toast not only is broadcasted for the benefit of Gary, but of the surrounding towns? A. Oh, yes, we have reports from as far as Maine, the state of Maine.

Q. Could your broadcasting of the Elks' toast be put on any station outside of the local station? A. It would have to go through Chicago, if we did, I imagine.

Q. Would it be convenient for you to broadcast any other place? A. I don't think anyone else would give us the service. It would be too expensive for them.

Q. Is there any charge made for the broadcasting

1268 of the Elks' toast? A. None whatever.

Q. You consider that a convenience to the public? A. Yes, I do, both as a citizen and as an Elk. I believe it is a public convenience.

Q. How many Elks are there in a radius of one hundred

miles of the Station, approximately, would you say? A. Oh, I would say there were fifteen or twenty thousand Elks within an easy radius of this station.

Q. Has WJKS ever done anything to assist the Elks in their charity work, or charity drives? A. Yes, not only the Elks, but every other charity that I know of.

Q. Tell what they have done, to your knowledge? A. The Elks, Salvation Army, Post-Tribune, and WJKS jointly had a Christmas charity a year ago this last Christmas. WJKS largely carried the load of that collection, both in money, clothing, food and candy. In addition to that, they were able to get for us the foods and fruits for a party that we gave for the children, poor children. I know what other people think of it outside of the Elks, as far as charity is concerned.

Q. They put on a milk fund drive for the benefit of
1269 the Elks last year? A. Yes.

Q. How was that? A. It was largely through WJKS that we got any funds at all for it.

Q. Have you ever heard any comments about not being able to reach WJKS within a reasonable radius from the studio? A. Yes, the boys in our Northern Indiana Association, and in our State Elks Association, have complained that they cannot always get the eleven o'clock toast; that some of them have discontinued trying to have it in their club because they could not depend upon getting it through, through interference or other causes that they were unable to explain.

Q. If we were granted full time, what effect would it have upon the interest of the community? A. It would increase the interest in the community probably many times over, because if you have a continuous station, you know you can tune in at any time. The average person does not know when they can tune in, and they lose interest in that station.

Q. If we had a higher wave length, where we would have less interference, what effect would that have upon the community, the listeners in the community? A. I
1270 think the same answer would apply upon that that I made to the previous question. It would certainly enhance the value of the station, and the community undoubtedly would benefit by it.

Q. Is it to the public interest, convenience and necessity that Station WJKS be granted full time and a higher wave length? A. It is my opinion that it is.

Q. Is that your personal opinion, or the opinion of the community? A. That is my personal opinion and the general opinion of the people I talk with, the opinion of the people generally.

Q. Is there anything else you wish to say, Mr. Hunter? A. Just a recent remark I heard from a party whose name I won't mention. Perhaps he is interested in the Station more than anyone else as a citizen, not financially. He said that without disparaging any other organizations, that WJKS had done more for charity than all of the rest of them put together. I was not in a position to dispute that, knowing what I do about what they have done.

1271 The said **Emma E. Claus**, third witness, being duly sworn to tell the truth, the whole truth, and nothing but the truth relating to said cause, deposes as follows:

Examination by Mr. Thomas Johnson:

Q. Your name is what? A. Emma E. Claus.

Q. Where do you live? A. I live in Hammond, Indiana.

Q. And your business or profession is what? A. Secretary-treasurer of the Bankers Trust Company, Gary.

Q. Are you connected with any organizations? A. I am president of the Gary Business and Professional Women's Club.

Q. Will you tell us what that club consists of, or the objects of it? A. The object of that club is to create interest and mutual helpfulness among business and professional women, not only in the local club, but the state and national as well. We are an organization affiliated with the Indiana State Federation, composed of some four thou-

1272 sand members, and the National Federation of Business and Professional Women, which comprises eleven hundred clubs of sixty thousand women in the country.

Q. They are all professional and business women? A. Yes sir.

Q. Have you had any occasion to use the facilities of WJKS? A. We had occasion to use the services of WJKS

for several of our affairs. I think you broadcast several announcements during our North Central Regional Conference that was held in Gary in July, of 1930, and you also arranged for us to have twelve broadcasts during National Business Women's Week, during the month of March, 1931, which we believed were very interesting and reached a good many people.

Q. Have you broadcasted any doings at the Lake Front? A. There was only one thing that was ever broadcasted at the Lake Front. That was the North Central Regional Conference, that I mentioned.

Q. Did you have anything to do with the pageant out there? A. Yes, that was our affair.

Q. And that was broadcast? A. That was a part
1273 of the North Central Regional Conference that I just mentioned.

Q. Was that affair that you gave at the Lake Front very well attended? A. There were about ten thousand people in attendance at that pageant.

Q. Was there any charge made for advertising this pageant? A. No charge made.

Q. The public was invited? A. The public was invited, and there was a hook-up out there at the pageant that night. I remember that Mr. Gleason and I broadcasted at that time.

Q. That was by remote control? A. Yes sir.

Q. Has the Station at any time or at all times given your organization the opportunity to broadcast your affairs, which were of public necessity or convenience or interest? A. Yes, they have been very fine to us, in every way possible.

Q. Have they ever made any charge for those affairs? A. No charge.

Q. It was gratis? A. It was gratis.

1274 Q. Have you heard any reports as to people in the locality not being able to get the station? A. Yes, I have heard complaints about that. I know at home it is very difficult to get WJKS over our own radio. That is at Hammond.

Q. Is that continually, or at various times? A. Well, I am not home a great deal.

Q. At various times you are able to get it, and other times you are not? A. Yes, but there seems to be a lot of

interference. I have tried it myself. I don't seem to be able to get a clear connection. That is very annoying.

Q. Would it be to the interest, convenience and necessity of the community of Gary and the Calumet region if WJKS was granted full time? A. I think it would help materially.

Q. Would it be of better interest, necessity and convenience if WJKS was granted a higher wave length, so that it would avoid the interference and get a clearer reception? A. I don't know a great deal about radio, but I think that would be the case.

Q. If we were granted a wave length that would remove the interference, would it be a benefit to the com-
1275 munity? A. Yes.

Q. Do you know the population of the Calumet region? A. I am sorry to say I am not familiar with those figures.

Q. You are familiar with the conditions of the locality, of the Calumet region? A. Yes.

Q. And the Calumet region is an industrial center? A. Absolutely; purely.

Q. And it is the largest steel industrial center in the world? A. Yes sir.

Q. The steel mills, to your knowledge, work in shifts? A. To my knowledge, yes sir.

Q. And the habits and mode of living of the majority of our citizens are different than in other communities outside of a steel center? A. Yes, I would say that, due to the fact that there are shifts in the various steel mills.

Q. How many shifts are there? A. I don't really know that.

Q. The residents of the Calumet region, are they a stable or floating population, in other words, are they a home people, making this their home? A. I think they are
1276 a home people, people that locate here. They usually invest in their homes. I would think so. I don't think they are a floating population.

Q. They are a home people? A. Yes.

Q. And the majority of the people working here own their own homes and are paying for them? A. Yes. Of course, Gary has a great many apartment buildings.

Q. But they are all home people? A. Yes.

Q. Could you broadcast these various affairs that you spoke about over any station in Chicago? A. No, I don't suppose I could. I don't suppose I could reach them.

Q. You mean by that? A. I mean by that I don't know the people connected with the radio stations. I happen to know you, or Mrs. Johnson, and so I came to you and put this up to you.

Q. Would it be convenient for you to broadcast in Chicago? A. No, it would be very inconvenient to go to Chicago. It is much better to do it here.

Q. In other words, it would require considerable
1277 expense to get your folks there? A. Yes. You have your contact locally. I think it is more of benefit to a local organization.

Q. And the class of broadcasting you put on was a class that was a benefit to the community locally? A. Those that we have put on, yes.

Q. Have you listened to the programs broadcast by WJKS at various times? A. I am not at home very much of the time, so that I have not had occasion to tune in very often.

1278 The said **Frederick W. Backemeyer**, fourth witness, being duly sworn to tell the truth, the whole truth, and nothing but the truth relating to said cause, deposes as follows:

Examination by Mr. Thomas Johnson:

Q. What is your name? A. Frederick W. Backemeyer.

Q. And your business or profession? A. Pastor First Presbyterian Church.

Q. How long have you been a resident of Gary? A. Five and a half years.

Q. How long have you been pastor of the First Presbyterian Church? A. Five and a half years.

Q. Ever since you have been here? A. Ever since I have been here.

Q. You were a pastor of that church before WJKS received its license? A. Yes.

Q. What is the size of your congregation? *Q.* We have just below fifteen hundred members.

Q. Have you ever used the facilities of WJKS for the purpose of broadcasting your services? A. Yes, we
1279 have done so for three seasons, not counting the summer months.

Q. What has been the result of that broadcasting? A. Do you mean whether they have gone across?

Q. Have they been a benefit to the community? A. Oh, there is no question about that, no doubt about it at all. From the correspondence and the individual reports we get week after week, there is no doubt but what there are thousands of people listening in.

Q. What has WJKS ever done in the way of charity, assisting in charity affairs? A. Well, they had considerable to do with the Salvation Army and Elks drive here a year ago, and have frequently, as far as I recall, loaned the use of their station for the purpose of broadcasting these movements that had to do with relief and charity.

Q. Are you familiar with the charity drive that was put on at Christmas? A. Yes sir.

Q. Did the Station participate in that charity drive? A. In a very fine way.

Q. How did they distribute the produce, provisions and money that they received? A. Through a central committee.

1280 Q. I mean the last drive, do you know whether we gave it to the various charity organizations, or not? A. I am not familiar with that.

Q. You are familiar with the drive we put on for the Salvation Army? A. Yes.

Q. You participated in that drive? A. In a general way, we did.

Q. You made a speech over the air? A. Yes.

Q. For the purpose of assisting? A. Yes.

Q. Have you heard any reports in the church about your broadcasting, as to interference? A. Yes sir, we have had a good many reports. We have had families in Chicago, relatives and friends, who for months tuned in every Sunday night. They would get the program very clearly until suddenly there seemed to be interference of all kinds.

Q. Have you had such reports locally? A. Yes, local as well.

Q. Did you ever have any complaints as to fading? A. Yes.

1281 Q. Do you figure that this station is of a public interest, convenience and necessity to this community? A. Yes sir, I do.

Q. Are there any churches of your denomination that are broadcasting in Chicago? A. I think not, unless occasionally one is on the air.

Q. No regular program such as you put on? A. Not that I recall now.

Q. Approximately how many people are there of your denomination in this community? A. Well, there are sixty thousand in Indiana. This is a pretty solid region here, I should say about one-third of that, not to mention across the state line.

Q. Including Chicago, what would it be? A. Well, there are about one hundred thousand in Chicago.

Q. Are you able to broadcast all of your services, on account of the division of time that the station WJKS is compelled to share? A. No, we have been confined to the evening service.

Q. The Station is off at the time your other services are on? A. Yes.

Q. Would it be to the public interest, necessity and convenience if WJKS were granted full time? A. I
1282 think there is no doubt about it.

Q. Would it be of interest and necessity to the community if we had a higher wave length, where we would not have the interference that we have? A. It certainly would be a great thing.

Q. Do you know whether the facilities of Station WJKS have been turned over for the benefit of any charitable or fraternal organization that wants to use its facilities? A. Yes, as I said before, I think that has been done frequently.

Q. You don't know whether that has been the regular practice, or not? A. Well, I have not followed it that closely.

Q. As far as you know, the services that you put on from the Presbyterian Church are the only regular services from any Presbyterian Church, either in this locality, northern part of Indiana, or Chicago, that are broadcasted? A. I think there is nothing north of Indianapolis, and I have been trying to recall some Presbyterian Church in Chicago, but I do not recall of any that is broadcasting, excepting, as I say, occasionally.

Q. If we were granted a higher wave length and
1283 more power, more time, would that be a benefit to the community at large? A. I am sure of it.

Q. Because you consider your services a benefit to the community? A. From the letters we get, we would suppose so. May I make a general remark?

Q. Yes. A. The reason I am interested in this, I think that Gary, as a city, has three unique features. For instance, no other city can claim, first of all, the low cost production steel here, as everybody knows. The second is the school system, which is now being used as a pattern by cities all over the country. And the third I think is the week-day program that is carried on. I think Gary as a city ought to have its voice heard over the country because of those unique features.

1284 **H. S. Warren**, fifth witness, being duly sworn to tell the truth, the whole truth, and nothing but the truth relating to said cause, deposes as follows:

Examination by Mr. Thomas Johnson:

Q. What is your name? A. H. S. Warren.

Q. Where do you live? A. 727 McKinley Street, Gary, Indiana.

Q. What is your business or profession? A. Band leader.

Q. From where? A. Emerson High School.

Q. How long have you been a band leader with the Emerson High School? A. For eleven and a half years.

Q. Will you tell the Commissioner, for the purpose of the record, something about the Emerson School system and the number of children that attend the Gary schools, public schools? A. At Emerson?

Q. Generally. A. We have about twenty thousand
1285 school children, that is, approximately.

Q. At what school? A. That is all over the whole city, and at the Emerson School, where I teach, we have twenty-seven hundred, that is in round figures. In our band and orchestra department, we have six hundred boys and girls taking the work. Our concert band is composed of boys numbering one hundred ten. Our girls' concert band is composed of girls numbering ninety. Our concert orchestra is both boys and girls. We have enrolled there approximately eighty-five. The other organizations are junior organizations, which fill into these concert groups as time goes on.

Q. Has the school system ever been referred to as anything but the Gary School System, as the "work and play" system? A. Yes, they call it the "Gary work, study and play."

Q. Is that a recognized system over the country? A. I believe it is among educators.

Q. Do you know whether or not any teachers from other localities or states come to visit and learn the system? A. Yes, very frequently. We have visitors quite frequently. There was a time that we had a great number of visitors from Japan. We have visitors.

1286 Q. Is your system followed, or do other cities copy your system? A. Not in its entirety, I would not say, but they have copied certain parts of it.

Q. How many school bands are there in Gary, do you know? A. Each school has a number of bands.

Q. Approximately how many bands in the various schools? A. Well, I would say approximately fifteen.

Q. What are the sizes of those bands, approximately? A. Well, from one hundred ten down to maybe forty-five, anywheres in between.

Q. The Gary school system makes a special study, teaches music? A. Yes sir.

Q. And all students are educated in the line of music they desire? A. Yes sir.

Q. You consider that Gary is a musical center in this, you give them an education so that all will learn music? A. Yes, that is, they give everybody an opportunity. The facilities are very great.

Q. That is one of the features of your studies at school? A. Yes sir.

1287 Q. Have you had occasion to use WJKS? A. I have.

Q. In what way? A. In broadcasting our different musical organizations at Emerson School.

Q. Is that a regular feature? A. Yes sir, it is a regular feature.

Q. What effect do you find broadcasting these special features has on the community? A. Well, people I have come in contact with over the telephone and by voice have been very much pleased with it.

Q. Would you consider then that the broadcasting of these bands, these concerts, is a public interest, necessity

and convenience, for the people of this community? A. Yes sir, I feel that it is.

Q. Would you be in a position to broadcast these features in any other station outside of the Gary station? A. No, I would not.

Q. Even if the facilities were open, it would not be convenient for you? A. I don't think it would.

Q. You would have to travel miles away and incur
1288 expense? A. Yes.

Q. Have you had any complaints about interference in the broadcasting of these concerts of yours? A. Yes. We had a program printed, a schedule, of our broadcasts and we sent them out to different people, and a lot of our friends claimed they could not get us. They had been trying to get us. Some said they would be able to get the station occasionally, but it seemed there was quite a little interference and so on, and it was not very satisfactory.

Q. In your opinion, is it a public necessity, interest and convenience if WJKS were granted full time? A. Yes sir, I think it would help very greatly.

Q. Would it be of public interest, necessity and convenience if WJKS were granted a higher wave, so as to avoid the interference we have had? A. Yes sir, I feel so.

Q. And it would benefit this community greatly? A. Yes.

Q. Do you know of any station or any locality that has the special features that you have put on from the Emerson School, over any station? A. I know of no high school other than ours that has ever broadcast direct from
1289 their own school like this. I think this is the first one.

Q. You never heard of any station that had a special feature for school bands, a regular special feature? A. No sir.

Q. Do you know whether or not the Station has been available for the use of all the school bands and schools? A. To my knowledge, it has.

Q. What are the ages of the children attending the schools? A. At the Emerson High School, we have them from, I believe, five years on until they finish high school.

Q. How many schools do you know of in Gary, how many public schools? A. There are so many I could not tell you right offhand how many there are. I can tell you how many high schools we have, but there are an awful lot of schools in Gary.

Q. What are the various denominations of the children

attending the schools in Gary? A. I believe every denomination there is.

Q. And nationalities? A. Well, I have been told we have fifty-six different nationalities in Gary.

1290 Q. And all of the various nationalities participate in your bands? A. Yes sir.

Q. You also have colored bands? A. Yes sir.

Q. Your special features and your band concerts during the school periods, when are they? A. We rehearse our bands every day.

Q. I mean as far as broadcasting is concerned. A. On Monday of each week we broadcast the girls' band, and then Tuesday evening we broadcast the community band, from eight to eight thirty we have a citizens' band which we broadcast. We broadcast our concert orchestra on Wednesday from one fifty to two fifteen. On Friday we have the concert band from eleven to eleven fifteen o'clock.

Q. Those are regular weekly features? A. Yes.

Q. What effect does the broadcasting of these bands have upon the students themselves? A. We have studied that very carefully, and we feel that it has brought up the standards of our bands quite materially. When they are broadcasting, they strive and try much harder than

1291 they do ordinarily. When the band members know we are on the air, they try very hard to make a perfect performance out of it, for the benefit of the parents and friends listening in, and they want it to sound good.

Q. It creates an interest in the child himself? A. Yes.

Q. It also creates an interest in the parents of the children in the school work of the child? A. Yes, very greatly.

Q. Has it created an interest in the school in the general community? A. I feel that it has.

Q. And if this station was granted a higher wave and full time, in your opinion, Mr. Warren, would that create a greater interest in the Gary school system than it has at the present time? A. I believe it would, for one reason, our concert band took third in the national contest. There are quite a number of people over the country who are interested in hearing this band. If we had a higher wave length, they would be able to tune in on it and hear it.

Q. Some of the Gary bands won prizes in the na-

1292 tional contests? A. Yes.

Q. And also, athletic events are a special feature of the Gary schools too? A. Yes sir.

1293 **William W. Ayres**, sixth witness, being duly sworn to tell the truth, the whole truth and nothing but the truth relating to said cause, deposes as follows:

Examination by Mr. Thomas Johnson:

Q. What is your name? A. William W. Ayres.

Q. Where do you live? A. 357 Monroe Street, Gary, Indiana.

Q. How long have you lived in Gary? A. Four and a half years.

Q. What is your business or profession? A. Pastor of the Central Baptist Church.

Q. How long have you been pastor of that church? A. Four and a half years.

Q. What is the size of your congregation? A. Approximately eight hundred fifty members.

Q. What is the number of people of your denomination in the Calumet region, approximately? A. I would say about twelve thousand. If you mean including Chicago and Indianapolis, that raises it fifty thousand.

1294 Q. Have you used the facilities of WJKS? A. Yes, repeatedly.

Q. How long have you been using the facilities of WJKS? A. For more than two years, probably two and a half years.

Q. Is that a regular feature of the station? A. It is a regular Sunday feature.

Q. What are your hours of broadcasting? A. Regular hours are ten thirty to a quarter of twelve and one to two P. M.

Q. Tell us what your programs consist of, beginning in the morning. A. Broadcast of the regular morning worship, church service, and a specialty program from one to two, known as the Sunday Dinner Hour.

Q. Do you know whether there is any other church of your denomination which broadcasts the same as you are? A. To my knowledge, there is not another Baptist church broadcasting regularly within a radius of a thousand miles.

Q. Do you feel that your services being broadcast is an interest, necessity and convenience to the public? A. I would say that our mail would prove that to be true.

1295 Q. The fact of your broadcasting these services, is it creating an interest in the people of this community? A. Yes.

Q. Would it be convenient for you to broadcast these services from any other station but this local station? A. I doubt if it would be possible at all.

Q. Have you had special features on any of your programs? A. Yes, through the courtesy of the Station, we have been permitted to broadcast special Christmas features and special Easter and Good Friday services.

Q. Has there ever been any charge made for these services? A. No, not for these special services.

Q. Do you know whether the Station invites all religious denominations to participate in their Sunday afternoon programs? A. Yes, I know that, all denominations have been given equal right and power to broadcast their services from the Station.

Q. Have you heard any criticism or complaints about not being able to receive the broadcasts? A. Yes, a good many have complained that at certain times they could not get the broadcasting because of interference.

1296 Q. Would it be of public necessity and interest if WJKS had full time and a higher wave length so as to avoid interference? A. It would be a great advantage to our own service in broadcasting.

Q. Would it be an advantage to the community? A. I think so, yes.

Q. Are you in a position to put on more of a program than you have now, if we had full time? A. Yes, a great deal more. In connection with that, I would like to say we are greatly handicapped because we have to leave the air at a quarter of twelve on Sunday, and hundreds of complaints have come in because it is not possible to broadcast the entire sermon.

Q. Do you know whether WJKS has assisted in any charity drives, or not? A. Yes.

Q. Will you tell what you know about that? A. Well, I know of their assistance on the Salvation Army drive, and of the charity work in connection with the Elks Lodge, and I know of the charity work that the Station did last year, last Christmas, through the various existing charitable or-

ganizations. My own church received food, rather,
1297 food was distributed by our own church, that was the gift of WJKS, food, clothing and cash. WJKS is the only outside organization that has ever, in my ministry, contributed to the charity work of our church.

1298 The said **Mildred Madeis**, seventh witness, being duly sworn to tell the truth, the whole truth, and nothing but the truth relating to said cause, deposes as follows:

Examination by Mr. Thomas Johnson:

Q. What is your name? A. Mildred Madeis.

Q. Where do you live? A. Gary Neighborhood House.

Q. How long have you lived in Gary? A. About six and a half years.

Q. How long have you been connected with the Gary Neighborhood House? A. I have been there six and one-half years.

Q. What is your position there? A. I am superintendent.

Q. What is the object of your organization? A. Well, it is educational, charitable and religious.

Q. You assist the poor? A. We do.

Q. Have you had occasion to use the facilities of WJKS? A. Yes, at times.

1299 Q. In what way? A. Well, we have given talks over the radio for our own benefit, and to educate the people. Then, of course, at Christmas time we received quite a bit of benefit from them.

Q You mean by your own benefit, for the benefit of the poor? A. No, we never used it for the benefit of the poor, no. It has been used more for educating the public as to what we are doing, educating the public.

Q. What nationalities do you aid? A. Well, there are a great number of them. We have about thirty-five, and both white and colored people.

Q. You do not discriminate as to nationality or color? A. Neither one.

Q. Has WJKS ever made any charge for the use of its facilities? A. Never.

Q. That was gratis? A. Yes.

Q. Do you know whether WJKS has assisted in any charity drives or not? A. Do you mean other than our own house?

1300 Q. Yes. A. Yes, I know it has. The Elks' work and the Salvation Army.

Q. Do you know their method of distributing the produce they received? A. The only thing I know about it is, of course, the Christmas drive, we personally were greatly benefited by the things they did for us.

Q. What did they do? A. Well, we got clothing, food and so—that was all, clothing and food, but it was a great help.

Q. Was there any restriction as to the amount of food or clothing they gave you? A. I don't know as to that. I think we got as much as was due us.

Q. You got what you could use? A. Well, I could not say that. I think it was fairly distributed.

Q. Has WJKS ever made any distinction as to religious denominations? A. Not that I know of.

Q. They never asked you any questions? A. No, absolutely not.

Q. Have you ever heard of any interference with

1301 the programs? A. Yes, I have experienced it, when I have been home. We have no radio at the Neighborhood House, but when I was home, I have tried to get it.

Q. Where is your home? A. Winemac, eighty-five miles from here.

Q. Have you heard any complaints locally about the interference? A. Yes.

Q. About not being able to get it? A. Yes, I have heard not always clearly.

Q. Do you feel it would be of public interest, necessity and convenience if WJKS was granted full time, so as to broadcast from early morning until late at night? A. I feel so.

Q. Would that benefit the community? A. It would.

Q. If we were given a higher wave length, where we would avoid interference, would that be a benefit to the community? A. I believe so.

Q. Now, with the time that you have had on Station WJKS, and the various charities you have received from WJKS, for your organization, would it be possible to get

this same help from any other station that you have
1302 from WJKS? A. No.

Q. Would it be possible for you to broadcast any of these educational talks that you have from any other station? A. Possibly, but not probable. We would not do it.

Q. Would it be convenient for you? A. No.

Q. Then you would say the fact that it is a local station is convenient to you and the public? A. Yes, very.

Q. What effect has it had upon the community that you have tried to interest with your various educational features? A. That is hard to say.

Q. Has it been a benefit to them? A. I believe so.

Q. Have you heard compliments about your various programs? A. Yes.

Q. And you believe it did considerable good? A. Yes.

Q. If it were not for WJKS, would you and the community be denied the benefit of these various pro-
1303 grams you have put on? A. We would.

Q. How much charity do you dispense during the year, could you say? A. I could not say that.

1304 The said **D. J. Davies**, eighth witness, being duly sworn to tell the truth, the whole truth, and nothing but the truth relating to said cause, deposes as follows:

Examination by Mr. Thomas Johnson:

Q. What is your name? A. D. J. Davies.

Q. What is your occupation? A. Division safety inspector, Illinois Steel Company, at the Gary Works.

Q. How long have you been a resident of Gary? A. Twelve years.

Q. How long have you been connected with the Steel Company? A. Twelve years in this country.

Q. What are your cuties as safety inspector? A. My duty as safety inspector is to guard against important violations of safety rules and build up conditions surrounding the work that we have today in such a way as to avoid accidents.

Q. How many different subsidiary corporations belonging to the Illinois Steel Corporation, the United States

Steel Corporation, are located in the Calumet
1305 region? A. There are three, the Tube plant and the big mill in Gary, the basic operation.

Q. What is Gary recognized as, in reference to a steel center? A. Gary is the biggest steel producing center in the world, basic steel.

Q. How many people are employed in Gary and the Calumet region in the steel industry? A. I can't give you a definite answer as to the subsidiary companies, but Gary Works proper employes normally fourteen thousand men.

Q. What do the others employ? A. Roughly speaking, I would say that would be increased by about six thousand.

Q. Have you any idea of the number of people in the Calumet region that are employed in the steel industry, approximately? A. Approximately twenty-two thousand, I mean in Gary.

Q. How many outside of Gary, in the Calumet region? A. I would not venture to say.

Q. What is the construction of the buildings of the Steel Corporation, or the Steel Company? A. The construction of the buildings?

1306 Q. Yes. A. Concrete and steel.

Q. How close are the buildings located to the transmitter of WJKS? A. How close to the transmitter?

Q. Yes. A. Three miles.

Q. Have you ever used the facilities of WJKS? A. Once each week.

Q. For your special program? A. Yes sir.

Q. What is that known as? A. The Safety Broadcast.

Q. What does your program consist of? A. Music and safety talks.

Q. What is the object of the talks? A. Well, our department is just as much interested in safety outside of the Mill as we are in the Mill. Of course, we broadcast a lot of industrial things pertaining to better safety in the Mills, and we also cover safety in other phases, such as safety in transportation, safety for pedestrians. We talk to the Boy Scouts, talk to school children and to school teachers, put on different programs on Thursday evenings.

1307 Q. Do you give programs that are safety talks for the benefit of children and the community at large?

A. We give safety talks for the benefit of the community in general.

Q. What benefit has this been to the community? A. From the number of letters received, and from the testimony of the employes who speak to us concerning it we are of the opinion that those broadcasts are very beneficial,

Q. Has the Station ever made any charge for these programs? A. Nothing whatever.

Q. Who is this program sponsored by? A. By Mr. William P. Gleason, general superintendent of Gary Works.

Q. Are the*ir* any instructions given to the employes of the Steel Mill about listening in on your programs? A. Yes.

Q. What is that? A. We have what we call the Gary Works Circle. It is a publication issued monthly. Occasionally it is mentioned in that publication regarding the programs from WJKS.

Q. Are they expected to listen in and comment
1308 upon these programs? A. They are advised to.

Q. Have you had any complaints about not being able to receive your programs at various times? A. Yes sir. Some of our employes as close as Hammond, East Chicago and Indiana Harbor, complain of interference.

Q. Would it be of public interest and necessity for the community if WJKS had full time on the air? A. I believe so.

Q. Would it be of public interest and necessity should WJKS have a higher wave length, where we would have less interference? A. Yes sir, I think it would.

Q. What effect—do you know what WJKS has done in the way of charity? A. Only what I have heard.

Q. What is that, that is, the general opinion? A. I understand that WJKS has been very active as a charitable organization during this depression and around the holidays, and at different times.

Q. How many shifts have you got in the Mill? A. Three eight-hour turns.

Q. What are the nationalities of the employes?
1309 A. They are various nationalities. I guess we have in our organization down there a man from every point of the globe.

Q. These shifts are a continuous proposition, year out and year in? A. Yes sir.

Q. Would it be a benefit to the community, and especially to the employes of the Mills, if we had a continuous broadcast? A. I think so.

Q. What has been the class of the programs that WJKS has put on? A. Do you mean in quality?

Q. Yes. A. I think that they are equally as good as any other station that is broadcasting.

Q. Would it be possible for you to put these programs on in any other station outside of the local station here? A. I don't think so.

Q. Would it be convenient for you? A. No sir.

Q. Could you put on more of this broadcasting, safety talks, if we had more time to give you? A. Yes sir.

1310 I don't think that fifteen minutes is enough. That is the allotted time, under present conditions.

Q. But you are in a position to increase your talks, and it would be a benefit to the community as a whole? A. Yes, I think so.

Mr. Johnson: That is all.

1311 The said **Alexander Alamsha**, ninth witness, being duly sworn to tell the truth, the whole truth, and nothing but the truth relating to said cause, deposes as follows:

Examination by Mr. Thomas Johnson:

Q. What is your name? A. Alexander Alamsha.

Q. Where do you live? A. 2563 West Thirteenth Avenue, Gary, Indiana.

Q. You are connected with some church? A. Yes, sir, the West Gary Presbyterian Church.

Q. How long have you been a minister? A. Three years.

Q. What is the size of your congregation? A. We have a community church, about fifteen hundred people in that community.

Q. How many people in the radius of fifty or one hundred miles of this station are there belonging to your religious denomination? A. Dr. Backemeyer answered the question. I don't know.

Q. Have you ever used the facilities of WJKS? A. Yes sir.

Q. When did you first start using the facilities of

1312 WJKS? A. About two and a half years ago.

Q. Have you used them continuously since? A. Yes sir.

Q. In what way? A. Radio chapel.

Q. Tell us about the radio chapel, what that is. A. The radio chapel is for fifteen minutes, from twelve to twelve fifteen every day.

Q. What does it consist of? A. Religious programs and different speakers are on that program.

Q. Is there any distinction made as to the religious beliefs of those speakers? A. No.

Q. Your Sunday afternoon features, what do they consist of? A. We have different programs from different churches.

Q. Is there any distinction made as far as the religious denominations of the various people? A. No, not at all.

Q. Is there an invitation extended to the various denominations to come and use the facilities of the Association? A. Yes, we do.

1313 Q. How do you get the various people to come and use the Station or the facilities? A. We write to the people, invite them to come over to the radio chapel and the Station to take part for fifteen minutes or half an hour every Sunday afternoon.

Q. Is there any station that you know of now that has what is known as a radio chapel? A. I think one station after we started. I think there is one station. I don't know for sure whether they have every day radio chapel or not, but this was the only station in the country to begin a radio chapel.

Q. Is there any station that turns over their station for the benefit of the various religious denominations? A. I don't know. I don't think so.

Q. Do you know how many churches there are in Gary? A. I don't know for sure.

Q. Have these services, this radio chapel, and your Sunday afternoon services, been a benefit to the community? A. A great deal.

Q. Have you heard any complaints about interference in reference to the program- A. A great many times.

Q. What would that complaint consist of? A.

1314 People aren't able to hear us.

Q. In what distance? A. Around twenty-five or

thirty miles, sometimes in the city of Gary, around the west side.

Q. Would it be of public interest, necessity, and the benefit of the community, if Station WJKS had unlimited time for broadcasting purposes? A. A great deal.

Q. Would it be of public interest and necessity if WJKS had a higher wave length, so as to avoid the interference? A. It would be a benefit to the community and the outside also.

Q. Do you know anything about the charity drives that WJKS has given? A. Yes.

Q. What is that? A. During Thanksgiving Day WJKS turned over their programs for charity, and the Elks milk drive, WJKS cancelled all their programs for the benefit of milk for the poor. During Christmas time, WJKS for a number of weeks cancelled some of the commercial programs to make it possible to raise enough money to help the poor people in the city and in Lake County.

1315 Q. And have they assisted in any of the Salvation Army drives? A. A year ago last Christmas WJKS turned over everything to the Salvation Army, and 1930, at Christmas, WJKS raised money and turned it over to the different organizations in the city.

Q. What about the food and the clothing? A. It was turned over to the different settlement houses and churches.

Q. Was there any discrimination made? A. Not to my knowledge.

Q. Could you put on these programs from any other station than WJKS? A. No.

Q. It would be impossible to do it? A. No station will allow a fifteen minute period free.

Q. Has there ever been any charge made to any of the religious or fraternal organizations for broadcasting? A. No.

1316 The said **Frank S. Delaney**, tenth witness, being duly sworn to tell the fruth, the whole truth and nothing but the truth relating to said cause, deposes as follows:

Examination by Mr. Thomas Johnson:

Q. What is your name? A. Frank S. Delaney.

Q. Where do you live? A. In Gary.

Q. Your address? A. 1507 Massachusetts.

Q. What is your business or profession? A. I am a minister. I serve as pastor of the Trinity Methodist Episcopal Church, and I am superintendent of the John Stuart Memorial Settlement House.

Q. That is a colored organization? A. Yes.

Q. How many members have you got in your congregation? A. The church has about five hundred fifty.

Q. How many people of your religious denomination are there in the Calumet district or within a radius of fifty miles of WJKS? A. Well, I would not be able to say that.

1317 Q. Approximately? A. Do you mean roughly?

Q. Yes. A. Twenty-five thousand. You are including Chicago?

Q. Yes. How many colored people are there within that radius? A. Two hundred fifty thousand, I suppose, between two hundred fifty thousand and three hundred thousand.

Q. Have you ever used the facilities of WJKS? A. Yes, I have.

Q. For what purpose? A. Well, I have used it in publicity matters for the Settlement House. In our Settlement House we think very largely in terms not only of relief, education and recreation, but as a matter of an organization for promoting better relations between the two races.

Q. Has WJKS ever made any charge for these broadcasts? A. No.

Q. That has been given to you gratis? A. Yes.

Q. Has WJKS ever discriminated as to color or religion in granting this time to the various organiza-

1318 tions? A. Not to me, no.

Q. You never heard of it? A. No.

Q. Do you know what WJKS has done in the way of charity? A. I remember a year ago last Christmas when the Salvation Army had their drive. I came here and spoke for the Salvation Army. I know that the returns were turned over to the Salvation Army. Last year our house received food and clothing which came into WJKS. It helped very much, our share, among the needly people.

Q. Was food gathered and clothing gathered by WJKS? A. It was.

Q. Then given to the various organizations? A. Yes.

Q. Would it be possible for you to broadcast these various programs and educational features and talks that you have given over WJKS from any other station? A. No. it would not.

Q. Have the facilities of WJKS always been open to charity drives and the benefit of the community? A. So far as I know.

Q. Has there any other station broadcasted the same kind of services that you are doing here in WJKS?

1319 A. Not as such.

Q. Have you heard any complaints about interference with the station in its programs? A. Why, I have heard some. I have myself been some times in Chicago at night, some times in other towns around. It has been very difficult to get Gary outside of——

Q. A very small area? A. Yes.

Q. Would it be of public interest and necessity for W J K S to be on full time? A. I would say it would.

Q. It would benefit the community? A. I think it would.

Q. If it had a higher wave, so as to avoid the interference, so the programs could be heard a greater distance, would that benefit the community? A. I think so.

1320 The said **Chauncey Townsend**, eleventh witness, being duly sworn to tell the truth, the whole truth, and nothing but the truth relating to said cause, deposes as follows:

Examination by Mr. Thomas Johnson:

Q. What is your name? A. Chauncey Townsend.

Q. What is your business or profession? A. Editor of the Gary American.

Q. How many colored people are there in Gary, in the Calumet region? A. I would say about three hundred thousand.

Q. How many colored people are there in a radius of fifty miles from Gary, from the studio? A. I would judge about three hundred twenty-five thousand.

Q. What is the circulation of your paper? A. About eighty-six hundred.

Q. Have you ever had occasion to use the facilities of WJKS? A. Yes, we have.

Q. In what way? A. In broadcasting programs
1321 for the interest, entertainment and benefit of the colored people of this region.

Q. Is that a regular feature? A. It is a regular feature.

Q. When does it go on? A. Between eight and nine o'clock, on Monday nights.

Q. Every week? A. Every week, yes sir.

Q. What does it consist of? A. It consists of musical numbers of band and orchestra music, information about news events of interest to our people, and recitations of poetry and literature written by our poets and writers, on the whole.

Q. It is all furnished by colored artists? A. Yes.

Q. Those artists are artists or people from the community? A. They are mostly people from the community, about ninety per cent of them are. A few of them come from Chicago and this same region.

Q. Has any charge ever been made for the facilities of the station, for putting on your program? A. No, no charge made.

Q. What effect has this program had upon your
1322 people, the colored people? A. It serves to give them an opportunity to present their accomplishments along the lines of music, drama and art, before the radio audience, and to have a means of expression.

Q. What effect has it had upon the white people, in reference to friendly relationship existing between the two races? A. Well, it is arousing the interest of the white people in negro folk lore and negro talent, and I believe stimulated greater good will between the white and colored people, in view of the respect that it has won for the colored man's ability to sing and produce music.

Q. Is there any other station broadcasting the programs that you are from WJKS, that you know of? A. I don't believe that there is a station broadcasting the class of programs that we are broadcasting.

Q. Could you broadcast these programs from any other station than WJKS? A. No, we positively could not. We would not have an opportunity to broadcast from any other station.

Q. Would it be convenient for you, if any station in Chicago were to give you permission, would it be con-
1323 venient for you to bring people there? A. On the contrary, it would be inconvenient and unquestionably impossible.

Q. Have you heard any complaints about interference with your programs? A. We have had a number of our people who are interested in our programs tell us they could not get us, and at the same point on the dial there were other stations and various noises, and that the reception was not clear. We have had those complaints from the people here, and more particularly in the Harbor and Hammond and Chicago.

Q. Hammond is only a distance of how many miles? A. Well, I would say about twelve or fifteen miles. I am not sure.

Q. Do you consider these programs of yours have been of interest to the public as a whole? A. Yes, we feel they have been.

Q. Would it be of public interest and necessity if WJKS was granted full time? A. We feel that it would be to everyone concerned.

Q. Would it be of public interest and necessity if WJKS had a higher wave, so as to avoid interference? A. Oh, unquestionably.

1324 Q. Are the colored folks in a position to put on a greater and better program if they had more time? A. They would, without a doubt, because they would feel that their efforts to broadcast would reach a larger number of people, and would give them a wider range of expression.

Q. Do you know anything about the charity work that WJKS has been doing? A. I am not entirely familiar with that. I have heard something of it, but of its details, I cannot say anything about it.

Q. Do you know whether there has been any discrimination as to races by WJKS? A. I know of none. I have never heard of any.

Q. Are you familiar with the working conditions of Gary? A. Some, to some extent.

Q. Well, the people work here in shifts, the principal industry is the Steel Mill? A. Yes, the Steel Mill is the principal industry.

Q. There are shifts of eight hours each? A. Yes sir.

Q. If you had more time, more of your people would be able to hear your programs? A. That is true.

1325 The said **Arnold R. Fox**, twelfth witness, being duly sworn to tell the truth, the whole truth, and nothing but the truth relating to said cause, deposes as follows:

Examination by Mr. Thomas Johnson:

Q. What is your name? A. Arnold R. Fox.

Q. Where do you live? A. 3568 Jackson Street, Gary, Indiana.

Q. And your business? A. Editor and manager of the Hungarian Tribune, for Lake County.

Q. How many Hungarian people are there in the Calumet region, or within a radius of fifty miles of the station? A. In the Calumet region proper, we figure between forty and fifty thousand, and within fifty miles from the radio station WJKS, taking in of course Chicago, Chicago has about seventy thousand people of Hungarian parentage, whose mother tongue is Hungarian. Taking in the other towns like Joliet, Elgin and Aurora, there is about another fifteen to twenty thousand Hungarians.

1326 Q. Have you had occasion to use the facilities of WJKS for your people? A. Myself, I was invited to use, but I have not had the occasion to use myself, but I know that WJKS is the only station at the present which is broadcasting Hungarian music, which our people are very much devoted to.

Q. Has that been of interest to the Hungarian people and to the community at large? A. Very much so.

Q. Is there any class of that music broadcast from any other stations you know of? A. No, it is not broadcast at the present time by any other station within a radius of fifty miles from WJKS.

Q. Would it be convenient for the Hungarian people of this district to broadcast from any other station outside of the local station? A. It would not be convenient.

Q. Would it be possible for them to do it? A. It would be possible by great sacrifice of time and cost and expense to go somewheres else, but it would not be convenient.

Q. Have these programs been a benefit to the community at large? A. Very much so.

1327 Q. Have you heard any complaints about interference with our programs? A. Quite often I heard complaints.

Q. From what locality? A. Gary proper, the Calumet region as far west as West Pullman. Several months ago I was there. We tried to get WJKS and it was impossible for us to get it.

Q. Would it be a benefit to the community if we had a higher wave, where there would be no interference? A. As far as I understand it, the higher wave will give more power and it would make the reception better. That is what I understand the higher wave means. If the reception would be better, yes.

Q. You listen to the programs of the other stations having higher wave lengths? A. Yes.

Q. Is there any interference with those programs? A. No interference.

Q. And a clear reception? A. Yes.

Q. You don't get that kind of reception from our station? A. No sir, we don't.

Q. If we were on a higher wave length then, that would mean a clear reception, as far as your opinion is con-

1328 cerned, and would be a benefit to the community? A. Yes. I want to say in connection with that I am getting quite a number of complaints from my people. I can show you letters written in Hungarian from people as far west as Joliet, Illinois, and especially right here in the Calumet region, that they would like to listen to the Hungarian program which WJKS is putting on, but they are unable to get WJKS because of the interference. I have received complaints to the effect that they are unable to get it.

Q. If we had a wave length where there would be less interference, it would be a benefit to the community? A. Positively so.

Mr. Johnson: That is all.

1329 The said **Charles Elmer Hawkins**, thirteenth witness, being duly sworn to tell the truth, the whole truth, and nothing but the truth relating to said cause, deposes as follows:

Examination by Mr. Johnson:

Q. What is your name? A. Charles Elmer Hawkins.

Q. Where do you live? A. 2440 Adams Street.

Q. Gary, Indiana? A. Yes.

Q. How long have you been a resident of Gary? A. A little better than eighteen years.

Q. What is your business or profession? A. Minister.

Q. Of what denomination? A. First Baptist Church.

Q. What is the size of that congregation? A. We have about two thousand members.

Q. How many people are residents in a radius of fifty miles of the same religious belief that you are, approximately? A. I would presume we have fifteen thousand outside of Chicago. I could not count them in Chi-
1330 cago. I guess we have in Chicago, I presume we have one hundred thousand.

Q. Have you had occasion to use the facilities of WJKS? A. Several times.

Q. For what purpose? A. I have made a short talk.

Q. Has there ever been any charge made for these broadcasts? A. Not from me.

Q. No charge has been made? A. No.

Q. Have these programs you have been putting on been a benefit to the community? A. They evidently have. I have had calls and I have had letters from Chicago. I have letters from several points, commending us for the fine thing. Not long since I had a call from some place in Indiana, stating that the family had had a reunion. I think there were fifteen of them there. They said they wondered what to do for the afternoon, and they tuned in on WJKS, and they were never more delighted.

Q. What is the comparative size of your church to other churches, colored churches, in the Calumet region?
1331 A. We have the largest in the Calumet region.

Q. Have your programs been a benefit to your people and to the community at large? A. Certainly, sir.

Q. Have you heard any complaints about interference with your programs? Have you heard any people say they could not get your programs? A. Of course, you know Gary hasn't the wave length. It is not easy to get them all of the time.

Q. Tell us about the complaints you have received. A. I have had people in Chicago several times tell me when they knew I was going to speak, "we could not get you".

Q. In this vicinity, have you heard complaints about it? A. Yes, also in Gary.

Q. Is there any other station putting on the class of programs you are putting on from this station? A. Not that I know of.

Q. Have you ever tuned into stations in Chicago, or higher wave lengths? A. Yes.

Q. They have no interference, have they? A. No.

1332 Q. Is their reception clear? A. Yes.

Q. Would it be a benefit to the community at large if W J K S had been granted a high wave? A. I certainly think it would be.

Q. So that you could get a clear reception? A. Yes.

Q. Would it be a benefit to the community at large if W J K S were granted full time? A. I should think so.

Q. And that would be a benefit to the community also? A. Yes.

Q. Would it be possible for you to broadcast these programs that you put on through W J K S over any station outside of W J K S? A. I don't think so.

Q. Would it be inconvenient for you? A. It would not be very convenient, no. You would have to go in to Chicago, if you had a chance to broadcast at all.

Q. You would have to pay for the transportation? A. It would work a hardship on us.

Q. Are these programs of an educational nature

1333 to the community? A. Yes sir they are.

Q. And to your people also? A. Yes.

Q. You figure it has been a benefit to the people? A. Absolutely.

Q. What is the employment of most of your people? A. The greater number work in the Mills.

Q. How many shifts are there in the Mills? A. Three.

Q. Those are eight hour shifts? A. Yes.

Q. And at various times one-third of your people are working? A. Yes.

Q. Then it would benefit them if you were able to broadcast more? A. That is true, yes.

Q. Do you know anything about the charitable activities of W J K S? A. I don't know that I would know anything about that.

Q. What is the type of programs that W J K S has been putting on, are they of a high quality, or inferior? A. They are of a very fine quality.

Q. Has there been any discrimination as to the
1334 colored race? A. No, absolutely not.

Q. Never any charge been made for broadcasting? A. No.

Q. And you feel that this station should be granted a wave length where there would be no interference? A. Most certainly I do.

Q. What effect have these programs that you have broadcast on the people, your people as a whole? A. Well, of course, you can appreciate this, when one person broadcasts, it stimulates the other fellow. It gives a tone to the whole situaion, it seems to me.

Q. Do your people take more of an interest in the thing? A. Yes.

Q. Have your colored people themselves been interested when they know your colored people are broadcasting? A. You should have been here when they were broadcasting, to see how many times they sent in a request to sing this number. In fact, one time they had to get somebody to come in and answer the telephone, the calls were coming in in such large numbers. I will make this observation. I am a moderator of the state of Indiana, and way down in
Indianapolis, where the headquarters are, when they
1335 know our choir is going to sing, I have letters to show they could not pick up Gary. They were very much interested to hear the choir.

Q. Do you want to make a general statement? A. I think Gary is the most popular city in the state of Indiana. I think if any city should be given consideration, Gary ought to have it. In addition, Gary has a tremendous amount of talent, and the public ought to know about it, ought to hear it. We have educational advantages here that no other city of the country has, no question about it. I think whatever Gary is, it has a big effect upon the country.

1336 The said **Walter Wasielewski**, fourteenth witness, being duly sworn to tell the truth, the whole truth,

and nothing but the truth relating to said cause, deposes as follows:

Examination by Mr. Johnson:

Q. What is your name? A. Walter Wasielewski.

Q. You live at 1549 Connecticut Street, Gary, Indiana? A. Yes.

Q. What is your business? A. I am in the insurance business.

Q. What is your nationality? A. Polish.

Q. Are you a public official? A. Yes sir.

Q. What is your title? A. Alderman of the Fourth Ward.

Q. What are the residents of that ward, mostly? A. Well, mixed, all kinds; mostly Polish.

Q. How long have you been in Gary? A. Nineteen years.

Q. Have you taken an active interest in the Polish
1337 affairs in Gary? A. Yes.

Q. And in the Calumet region also? A. Yes.

Q. Do you know whether the Polish people have ever used radio station WJKS or not? A. Yes.

Q. What kind of programs have they presented? A. They have presented Polish programs.

Q. Where did most of the talent come from that was on these programs, were they local people? A. Yes sir.

Q. What effect has that had on your Polish people, having been given an opportunity to present Polish programs? Has it helped the people? A. Yes.

Q. Has it created a greater interest in your nationality? A. Yes.

Q. Those times you used the facilities of WJKS, they were given to you free of charge? A. Yes.

Q. Have you ever tuned into other stations? A. Yes, Chicago.

Q. Do you hear any Polish programs broadcast
1338 from Chicago regularly, the same as you do from WJKS? A. No. I never heard any.

Q. You never hear any Polish programs from Chicago? A. No.

Q. Have you ever heard any complaints about people not being able to get the Station? A. Yes.

Q. What seemed to be the trouble? A. Well, it is a too weak station, not so plain.

Q. There was interference? A. Yes.

Q. Did you ever listen to any of the stations on a higher wave? A. Yes sir.

Q. Did they have that interference? A. No. It is good.

Q. Would it be a benefit to the Polish people in this community if we were put on a higher wave length? A. Yes sir.

Q. In other words, if we were on a higher wave length, the Polish people from Chicago and other communities could tune in, to hear our Polish programs? A. Yes.

1339 Q. Whereas today they are not able to get the station on account of interference? A. That is true.

Q. How many Polish people have we in the Calumet region, including Chicago? A. There is in Gary about six thousand.

Q. How many have we in Lake County? A. About thirty to forty thousand.

Q. Including Chicago, how many are there? A. We have about six hundred thousand.

Q. The Polish children that attend the public schools, a lot of them play in the bands, things like that, don't they? A. Yes.

Q. The Polish people are interested in hearing them and listening to the programs from the public schools? A. Yes.

Q. Pulaski School is composed mostly of Polish children? A. Yes.

Q. How large a band has that? A. Twenty-seven or twenty-eight.

Q. Do you know whether they have ever broadcast over WJKS, or not? A. Yes.

1340 The said **Stanley Bucklind**, fifteenth witness, being duly sworn to tell the truth, the whole truth, and nothing but the truth relating to said cause, deposes as follows:

Examination by Mr. Johnson:

Q. What is your name? A. Stanley Bucklind.

Q. Where do you live? A. 574 Monroe Street, Gary, Indiana.

Q. What is your business or occupation? A. Superintendent of police.

Q. How long have you been superintendent of police of Gary? A. Since January 6th, 1930.

Q. How long have you been a resident of Gary, Indiana? A. About twenty-two years.

Q. Have you been in the police business during all that time? A. All but about one year.

Q. Are you familiar with the activities of WJKS? A. I am.

1341 Q. What has WJKS done, if anything, in aiding the police department? A. Well, it has aided them in every way. Any time we have ever requested aid, we have always received it in every way.

Q. Do you know whether a year ago we had the cars, police cars, equipped with radios? A. Yes.

Q. And the police calls were reported? A. Yes sir, they were.

Q. Is there an invitation, a standing order, issued to the effect that any time the police want to use the facilities of WJKS it is available to them? A. Yes, that is on orders from you, Mr. Johnson.

Q. Has WJKS always helped you out in all of those things? A. They have always helped us out.

Q. What do you know about the charities of WJKS? A. Well, they are wonderful. They have aided us in every way during our charity drive this winter for the poor relief. There was never a time that they did not aid us in any way that they could.

Q. Tell us about your charitable organization. A. We had a charitable organization. We furnished a little over three thousand families with food since November, from November until about the first of April. During

1342 that time WJKS furnished clothes, donations of money and food. The least they ever furnished was twenty-five dollars, sometimes fifty, seventy-five and one hundred dollars. They were very liberal.

Q. Do you know whether there was any discrimination as to color, race or religion, as far as the Station was concerned? A. No sir, never to my knowledge.

Q. Have you listened to any of the programs from WJKS? A. I always listen to them.

Q. Are they of a high type, or inferior? A. They are high class programs, very good.

Q. Have you heard any complaints to the effect that people are not able to get WJKS? A. Yes sir.

Q. For what reason? A. I have heard people say there is a lot of interference. The way it is now, there is an awful lot of interference.

Q. Would it be possible for you, as superintendent of police, to get the help, aid and assistance from any other station that you get from WJKS? A. It would not
1343 be, no. We have received every assistance they can give us right now.

Q. Have you listened to any of the Chicago stations on a higher wave length? A. Yes.

Q. Do they have the interference there that WJKS has? A. Not on the higher wave length, they don't.

Q. Is their reception clear? A. Very clear, clearer than WJKS.

Q. Would it be a benefit to the community at large if WJKS was assigned a higher frequency? A. It would be, yes.

Q. It would be a benefit to the community? A. Yes.

Q. Would it be a benefit to the police department as well, in aiding *and* detecting crime if WJKS had full time to broadcast? A. It would be, yes, because at any time if we had anything very important, we could broadcast it. Certainly it would be beneficial for the police department.

Q. Why is it that you have not availed yourself more freely of WJKS's help in aiding *and* detecting
1344 crime? A. The only reason is, that they are not on full time. That is the reason.

Q. Would it benefit you if it were on full time? A. Yes, it would.

Q. From four o'clock to seven, we are off of the air? A. Yes.

Q. And from nine until ten thirty, we are off of the air? A. Yes. When the radios in the squad cars were offered to us, one of the reasons it was not a success was because you were not on full time. If you were on full time, there would be no reason in the world why it would not be a wonderful success. If you were on full time, we would avail ourselves of the advantage of using the station, the way it was offered to us.

Q. What effect has the broadcasting of the educational features from WJKS had on the community? A. I think it has had a wonderful effect. I know that all classes of people listen to the station, and it is because it is first class stuff.

1345 The said **Roswell O. Johnson,** sixteenth witness, being duly sworn to tell the truth, the whole truth, and nothing but the truth relating to said cause, deposes as follows:

Examination by Mr. Johnson:

Q. What is your name? A. Roswell O. Johnson.

Q. Where do you live? A. 739 Lincoln Street, Gary, Indiana.

Q. What is your business, profession or occupation? A. Mayor of the city of Gary.

Q. How long have you been mayor of the city of Gary, how many terms? A. Three terms.

Q. How many years each? A. Four years.

Q. That would be a total of twelve years? A. Yes.

Q. Were they consecutive terms, or not? A. No.

Q. When were you first elected mayor of Gary? A. Elected first in 1913.

Q. What was the population of Gary at that time?

1346 A. About sixteen thousand.

Q. When was the next time you were elected? A. 1921.

Q. What was the population at that time? A. Fifty-five thousand.

Q. When was the next time you were elected? A. 1929.

Q. What was the population then? A. One hundred thousand.

Q. What is the population of Gary now? A. One hundred thousand seven hundred some.

Q. How many nationalities are there in Gary and the Calumet region? A. Fifty-two in Gary, as disclosed by the police records.

Q. Do you know how many churches there are in Gary? A. Sixty-eight churches.

Q. How many religious denominations? A. There may be some duplications there, but all faiths are represented.

Q. Every religious denomination known is in Gary? A. Yes.

Q. The residents of Gary, are they of a home class
1347 of people, or a floating class? A. Home class.

Q. All take an interest in their own homes and building-? A Yes.

Q. What about the school system? A. It is the best in the United States.

Q. What points of interest have we got in Gary, to attract the public here? A. Our school system is one.

Q. The Gary school system is copied by a number of cities, is it not? A. I believe so.

Q. What about our steel industry? A. It is one of the greatest in the United States.

Q. What about our public parks? A. We have as fine parks in Gary as there are in the state. We have about seven hundred acres in parks and play grounds, besides the parks of the public schools.

Q. What about our beaches? A. We have one of the finest beaches on the Great Lakes.

Q. What about the Sand Dunes? A. The Sand Dunes are nationally known.

1348 Q. Do you have a great many visitors to the Sand Dunes? A. Thousands of visitors.

Q. What are they mostly, those visitors? A. From all over the United States.

Q. Do you know whether the various schools bring groups of students there for the purpose of examining and going through the Sand Dunes? A. Yes. The University of Chicago for the past thirty years has visited the sand dunes.

Q. How does Gary rank as a convention center? A. The second in the state.

Q. How are the facilities for housing and taking care of the people? A. Excellent.

Q. How many conventions are held, approximately, during the course of a year? A. There are a large number, about one hundred, I should say; a large number of conventions.

Q. Have you had an opportunity to observe the work that WJKS is doing? A. I have.

Q. Have you ever had an opportunity to use WJKS? A. I have.

1349 Q. For what purpose? A. For broadcasting, for conventions, for lodge work, for charities and relief work.

Q. Have the facilities of WJKS always been available for any charitable purpose? A. They have always been available.

Q. Was there any charge made for that? A. Without charge.

Q. Have you listened to WJKS and observed the class of programs? A. I have.

Q. What are the programs, as to being of a high class or inferior class? A. They are of a very high class.

Q. Have you listened to any of the foreign broadcasts? Foreign programs being broadcast? A. I have.

Q. Are they regular features, or occasional programs? A. They are regular features.

Q. Does any other station around within a radius of one hundred miles offer its facilities for use as WJKS does? A. There is none.

1350 Q. Are those foreign programs and school programs a benefit to the community? A. A great benefit.

Q. Have you had any complaints about being unable to get WJKS at all times that it was broadcasting? A. I have.

Q. What seems to be the complaint? A. I have had complaints from people living outside of Gary on account of the low wave length, that they were unable to get WJKS; that they have tried for the past year.

Q. Have you listened to any of the Chicago stations that are on higher wave lengths? A. Yes.

Q. Is their station clear and without interference? A. Yes.

Q. Would it be a benefit to the community at large if WJKS were assigned a higher wave length? A. It would. I think it would be a great benefit.

Q. Would it be a benefit to the community at large if WJKS had full time? A. It would.

Q. Would it benefit the city in any way? A. It would benefit it from a police standpoint. As it is now, only part time, we are unable to use it.

1351 Q. If you had full time, it would be a benefit? A. It would be a benefit to the city.

Q. Do you know whether WJKS has helped the police department in any way, or not? A. They have. They furnished equipment for our squad cars, free of charge.

Q. Is there a standing order at the police department to use the facilities of WJKS at any time they desire? A. There is.

Q. Did the police department use WJKS when they had their equipment? A. They did for a time, but owing to the fact it was only part time, it was impracticable.

Q. Have you noticed the charitable work that WJKS has been doing? A. I have.

Q. What have they been doing in the way of charity? A. They have been very active. Their work has been commendable. They did much in advertising and soliciting funds, food, clothing.

Q. Has there been any discrimination as far as color, race or religion is concerned? A. None whatever.

1352 Q. Are you familiar with the school band programs and the church programs that have been broadcast? A. I am.

Q. Is there any other station within a radius of one hundred miles putting on the classes, featuring school bands and churches, that WJKS has been putting on? A. Not to my knowledge.

Q. Would it be possible to receive the features that you have on WJKS from any other station? A. That I don't know.

Q. Would you be able to get the assistance that WJKS is giving you from any other station? A. No, we would not.

Q. Have you ever listened to the children broadcasting? A. I have.

Q. What benefit or effect has that had upon the community? A. I think that the benefits derived from the entertainments have been very marked. It is encouraging to young children. It has also interested the parents. It has beyond doubt brought about a change and encouraged the children.

Q. Have these children's programs been of much
1353 interest to the community? A. I would say it is of public interest and of public benefit.

Q. Do you know about the various foreign programs presented over WJKS? A. I do.

Q. Are there any other stations around that put on various foreign programs as WJKS does? A. I know of no station that has put on the programs that WJKS has.

Q. Have you anything you might want to say in reference to the benefits that would be created if we were given full time and a wave length so that there would be no interference in reception? A. I am convinced that the city of Gary would be greatly benefited by a higher wave length and full time, due to the fact that Gary is one of the most outstanding cities in the United States, the home of the United States Steel Corporation, and nationally known for its schools. We now have in the city of Gary three high schools, with a graduating class this year of more than seven hundred. Our public schools are second to none, engaged in state and national contests. The services that have been extended to the city by WJKS have been
1354 excellent. It has increased the interest of the children and likewise the parents. It has also furnished the surrounding country with music and with entertainment of various nationalities and also of the colored people. I would consider it of great importance to the community that WJKS be given full time and a higher wave length.

Q. Is the Calumet district considered a music center? A. The Gary school system affords excellent opportunities for the training in music, and also the foreign societies, churches and organizations furnish the community with high class music. I think there is no community in our country that has as much musical talent as we have.

Q. How about Gary as an educational center? A. As an educational center, Gary is second to none. The schools furnish an opportunity for young people who are working days. There has been in Gary as large an enrollment at night as there has been in the day time.

Q. Do you know the percentage of the number of college students that we have from Gary in comparison with other cities with a proportionate population? A. Gary exceeds any other city in college students in the state of Indiana per capita.

1355 Q. Do you know why that is? A. It is due to the fact that Gary is composed of laboring people. These people did not have the opportunity to acquire an

education themselves, but, after coming to Gary, saw the need of educating their children, and they have given their children not only a high school but a college education as well.

Q. How old is Gary? A. Gary is twenty-five years old. It will celebrate its twenty-fifth anniversary the 4th, 5th and 6th days of June.

1356 The said **Ethel B. Henderson**, seventeenth witness, being duly sworn to tell the truth, the whole truth, and nothing but the truth relating to said cause, deposes as follows:

Examination by Mr. Johnson:

Q. What is your name? A. Ethel B. Henderson.

Q. Where do you live? A. Gary, Indiana.

Q. What address? A. 1229 McKinley Street.

Q. What is your business or profession? A. Principal of Beveridge School.

Q. How long have lived in Gary? A. Twenty years.

Q. How long have you been principal of Beveridge School? A. Eighteen years.

Q. Have you ever had occasion to use the facilities of W J K S? A. Yes sir.

Q. In what way? A. We have used the radio. We had had children down here broadcasting.

1357 The children's hour, how often is that presented? A. We broadcasted last Saturday. We have done it several times.

Q. How do they do it? A. They have broadcast a play, and last Saturday it was a nature program.

Q. Have they had debates? A. Yes, wonderful debates.

Q. What effect has it had upon the children themselves, the broadcasting? A. It has been an inspiration to them to work harder, and it has furnished an incentive to do additional research work for their debates.

Q. What effect has that had upon the community, the programs given by these children? A. They enjoy it. My Dad never fails to tune in.

Q. Have you heard any complaints about interference with the reception of W J K S? A. Yes, we have had complaints as to the interference on account of the low wave length.

Q. You have tuned in to the Chicago stations, on a higher wave length, and found that their reception was clear? A. My father does that.

1358 Q. You listen to it? A. Yes.

Q. Is their reception clear on those higher wave length stations? A. Yes.

Q. Would it be an advantage to the Calumet region if W J K S were assigned a higher wave length? A. Why, certainly.

Q. Would it be an advantage to have W J K S on full time, so we could put more of these programs on? A. I think it would be wonderful for Gary. I surely do.

Q. How many children are there in your school? A Seven hundred.

Q. What nationalities are they? A. Well, we have Slavish, Roumanian, German——

Q. You have a variety of nationalities? A. Yes, we must have at least fifteen.

Q. Fifteen different nationalities? A. I think so.

Q. In these programs, has there ever been any discrimination as far as the different nationalities are concerned? A. No.

1359 Q. Has there ever been a charge for any of these programs? A. No.

Q. That has all been gratis? A. Yes.

Q. Do you know how many schools there are in Gary? A. Yes, we have twenty-two units now, I think.

Q. That is public schools? A. Yes.

Q. It has been stated here we have about fifty-six different nationalities in Gary? A. Yes.

Q. Have you heard any of the band concerts given by the schools? A. Yes.

Q. What effect has that had upon the children? A. Splendid effect.

Q. Has it had the same effect on the parents of the children? A. Yes.

Q. And on the public, how has it been? A. A wonderful effect. You would be surprised at the comments that are made.

1360 Q. You feel that the broadcasting of these children's programs has been a benefit to the public as well as to the children? A. Yes, I certainly do.

Q. Would it be possible for you to put these pro-

grams on any other station outside of the Gary station? A. Well, it would mean taking the children quite a distance.

Q. Would it be inconvenient for you to do so? A. Certainly. It is better to have it here in Gary.

Q. You don't know whether you would be able to give the time, or not? A. That is right.

Q. If we had full time and a higher wave length, you feel it would be a greater advantage? A. Absolutely.

Q. And help the school system out? A. Yes.

Q. How does your school system rank as an educational proposition? A. Among the best.

Q. What is it known as, besides the Gary school system? A. As Mr. Wirt's system of work, study and play.

Q. The Wirt system? A. Yes.

1361 Q. Do you have many visitors from other cities coming to learn the system of your schools? A. Yes, they learn it and then go back and establish the system.

Q. How does Gary rank as an educational center? A. One of the greatest in the United States.

Q. How about it as a music center? A. Splendid for that.

Q. In teaching music, are there any other schools that devote as much time and attention to music and the different features we have in the Gary schools as they do here? A. I don't think so. I don't know of any.

Q. Do you know the proportion or how Gary ranks, as far as college students are concerned? A. I would imagine Gary has more college students than any other city in a ratio compared to its population, than any other city in the United States.

1362 STATE OF INDIANA,
County of Lake, ss:

I, Thad. Menczynski, a Notary Public of Lake County, State of Indiana, do hereby certify that the above and foregoing depositions of John A. Costello, Clyde Hunter, Emma E. Claus, Frederick W. Backmeyer, H. S. Warren, William W. Ayres, Mildred Madeis, D. J. Davies, Alexander Alamsha, Frank S. Delaney, Chauncey Townsend, Arnold R. Fox, Charles Elmer Hawkins, Walter Wasielewski, Stanley Bucklind, Roswell O. Johnson and Ethel B.

Henderson, witnesses in the above entitled cause, were taken on the 20th day of April, 1931, between the hours of 1 o'clock P. M. and 7 o'clock P. M. of said day; that said depositions were taken pursuant to the attached order to take depositions from the Federal Radio Commission, and that the taking of same began at the office of Mr. Thad Menczynski, 1710 Broadway, Gary, Lake County, Indiana, and adjourned to the room in the rear of 805 Broadway, the same being more convenient for the Notary Public and the witnesses called to testify in said matter.

That said above named witnesses were by me first duly sworn according to law to testify the truth, the whole truth and nothing but the truth relating to said cause; that their depositions were then reduced to writing by Grace
1363 Bretsch, a disinterested person, in my presence and under my direction, and were afterwards transscribed by her into longhand (typewriting).

The said depositions were taken on the part of the applicant herein, Johnson-Kennedy Radio Corporation, as set out in the caption herein.

That at the taking of said depositions, the interrogation of said witnesses was conducted by Mr. Thomas J. Johnson, of Gary, Indiana.

1364 In witness whereof I have hereunto set my hand and affixed my official seal this 20th day of April, 1931.

[Seal Notary Public, Indiana.]

THAD MENCZYNSKI,
Notary Public.

My commission expires March 20th, 1932.

1365 Federal Radio Commission, Washington, D. C.

File No. 4-ML-B-667.

In re Application of JOHNSON-KENNEDY RADIO CORP., Dated September 22, 1930, for Modification of License. Location: Gary, Indiana. Operating Assignment Specified: Frequency, 560 kc.; Power, 1 kw. night, 1250 W. LS.; Hours of Operation, Unlimited.

Order to Take Depositions.

On the written request of Johnson-Kennedy Radio Corporation, applicant in the above-entitled matter, in con-

formity with Subtitle B, Sec. 11 of its Rules and Regulations adopted by its General Order 93,

It is ordered that the testimony of the following witnesses:

Mr. Wm. P. Gleason, Supt. Illinois Steel Mills, Gary, Ind.;

Mrs. Henderson, Principal, Beverige School, Gary, Indiana;

Rev. Frederick Backmeyer, Pastor, First Presbyterian Church, Gary, Ind.;

Hon. R. O. Johnson, Mayor of City of Gary, Ind.;

Mr. D. J. Davies, Safety Inspector, Illinois Steel Mills, Gary, Ind.;

Mr. Stanley Buckin, Chief of Police, Gary, Ind.;

Miss M. E. Madeis, Supt. Neighborhood House, 1700 Adams st., Gary, Ind.;

Rev. Bej. Kedrovsky, Pastor, Russian Church, 1675 Fillmore st., Gary, Ind.;

Mr. Hubert S. Warren, Director of Bands, Emerson School, Gary, Ind.;

Rev. Father John A. Costello, Gary Aldering Settlement House, Gary, Ind.;

Rev. Wm. Ward Ayers, Pastor, Central Baptist Church, Gary, Indiana;

Mr. Wm. W. Arrilow, 330 South Lake st., Gary, Ind.;

Mr. Chauncey Townsend, Editor, Gary American, 1813 Washington st., Gary, Ind.;

Rev. Chas. E. Hawkins, Pastor, First Baptist Church, 2563 West 13th st., Gary, Ind.

Mr. Joseph Kyle, Gateway Apartments, Gary, Ind.;

Mr. Walter Wasielewski, 1550 Connecticut st., Gary, Ind.;

1366 Miss Emma Clause, Secy., Bankers Trust Co., Gary, Ind.;

Rev. Alexander Alamsha, Pastor, West Gary Presbyterian Church, Gary, Ind.;

Rev. A. Bakay, 1306 Jackson st., Gary, Ind.;

Rev. Frank S. Delaney, 1507 Massachusetts st., Gary, Ind.;

Mr. Walter Kazich, Pres., Croatian Choir, 2300 Washington st., Gary, Ind.;

Rev. Fred Osbron, Pastor, Christian Church, 4380 Washington st., Gary, Ind.;

be taken by deposition before Mr. Thad Menczynski, Notary Public for the State of Indiana, or any other notary or officer having power to administer oaths, at the office of said Mr. Thad Menczynski, 1710 Broadway, Gary, Indiana, on Monday, April 20, 1931, at 1:00 P. M., transcribed and executed in the usual manner and to be filed with the Commission at its offices in Washington, D. C. not later than April 22, 1931, at 10:00 A. M., provided however: that the said depositions shall be subject to any and all objections that might be made by the Commission or any parties to the hearing, at the time of their introduction in evidence.

FEDERAL RADIO COMMISSION,
By JAMES W. BALDWIN,
Secretary.

Dated April —, 1931.

1367 Federal Radio Commission, Washington, D. C.

File No. 4-ML-B-667.

In re Application of JOHNSON-KENNEDY RADIO CORP., Dated September 22, 1930, for Modification of License. Location: Gary, Indiana. Operating Assignment Specified: Frequency, 560 kc.; Power, 1 kw. night, 1250 W. LS.; Hours of Operation, Unlimited.

Depositions.

The depositions of Fred Osborne, Joseph B. Kyle, Walter J. Kazich, Steven S. Parfenoff, William Warrillow, and Frances Hayes, witnesses produced and sworn to before me, a notary public of Lake County, Indiana, on the 20th day of April, 1931, pursuant to the enclosed order to take depositions from the Federal Radio Commission:

These depositions are taken on the part of the Johnson-Kennedy Radio Corporation of Gary, Lake County,
1368 Indiana, in a certain application filed with the Federal Radio Commission, September 22, 1930, for modification of License at Gary, Indiana, in which radio corporation is operating the following assignment specified

thusly: Frequency 560 kc. Power 1 kw. night, 1250 W. LS. Hours of Operation Unlimited, and being File #— before said Radio Commission.

The taking of said depositions began at the office of Mr. Thad Menczynski, 1710 Broadway, Gary, Lake County, Indiana, on Monday, April 20th, 1931, at 1:00 o'clock P. M. and adjourned to the room in the rear of 805 Broadway, Gary, Lake County, Indiana, the same being more convenient for the Notary Public and the witnesses called to testify in said matter.

And thereupon **Fred Osborne**, the first witness, being duly sworn by me upon his oath to testify the truth, the whole truth and nothing but the truth relating to said application, deposed as follows:

Direct examination.

By Mr. Thomas J. Johnson:

Q. State your name. A. Fred Osborne.

1369 Q. Where do you live? A. 4208 Adams St., Gary, Indiana.

Q. How long have you been a resident of Gary? A. Almost three years.

Q. What is your business or profession? A. Minister of the Gospel.

Q. What church are you connected with? A. Glen Park Christian.

Q. How many members are there in your congregation? A. Three hundred forty-five.

Q. How many members of your same religious belief are there within a radius of fifty miles, approximately? A. Well, I will have to think a minute about that. They would run up into the hundreds of thousands. We are strong in this part of the State.

Q. Would you say one hundred thousand? A. Well, yes, I think I would be safe in saying more than one hundred thousand.

Q. Have you ever used the facilities of W.J.K.S. for broadcasting? A. I have.

Q. In what way? A. In devotionals, noon day religious topics.

1370 Q. Has there ever been a charge made for those broadcasts? A. None ever made to me.

Q. What effect has your programs had upon the community as a whole? A. We received considerable correspondence—words of appreciation from different folks, telephone calls and such as that, and correspondence from out in the State, as far south as Indianapolis.

Q. Could you secure from stations in Chicago the same accommodations that you have from W.J.K.S.? A. I never tried.

Q. Would it be as convenient for you? A. No.

Q. In the programs that you put on, where do the people or the talents come from? A. Mostly in this section.

Q. Local talent? A. Yes.

Q. Even if the opportunity were afforded to use Chicago stations, it would require great expense to go there? A. Yes.

Q. Have these programs of yours, that you presented, been of interest to your parishioners and people of
1371 your religious faith? A. I think so.

Q. Have they benefited the community as a whole from an educational standpoint? A. I hope so.

Q. Well, do you think they have? A. Yes, sir. I wouldn't spend the time on the programs if I didn't think so.

Q. What nationality is most of your parishioners? A. They are mostly all native born Americans.

Q. Have you any foreign born people? A. I can't recall any.

Q. Do you know anything of the charitable activities of W.J.K.S.? A. I do.

Q. What have they done in the way of charity? A. They have done a wonderful work in the City of Gary. They have cooperated with the various charitable organizations. They have helped out in the Milk Fund, in the drive for Christmas baskets from year to year, and have even made contributions to the work that our Division has carried on.

Q. In Sunday afternoon programs, has there ever been any discrimination as far as religious denominations have been concerned? A. None that I ever heard of.

1372 Q. With reference to the distribution of charity, has there ever been any discrimination? A. I think not. I have heard no complaint.

Q. Could you receive the same help and benefit from other stations? A. I don't think so.

Q. Have you ever had any complaints about interference, on account of the low wave length of W. J. K. S.? A. I have never heard so much complaint as I have experienced it.

Q. In what way? Tell us. A. Well, many times I would have liked to have tuned in and received certain programs that were put on by your station, but found we were overbalanced by the heavy stations of Chicago.

Q. Have you tuned in to any of the Chicago stations and noticed their reception—of the stations on the higher wave lengths? A. Yes, whenever I have tuned into Chicago.

Q. Did they have the interference that we have? A. I haven't noticed it.

Q. Would it be an advantage to the community of the Calumet District if W. J. K. S. were assigned a
1373 higher wave length that would eliminate this interference? A. From my understanding of radios, I think it would.

Q. If you got the same kind of reception that you do from Chicago, do you think it would be beneficial to the community as a whole? A. I believe it would.

Q. If W. J. K. S. is assigned full time, would that benefit the community? A. I think so.

Q. If W. J. K. S. were assigned full time, is your organization in a position to put on bigger and better programs? A. Yes, sir. One of the reasons why we haven't done more is because of the time limit. We would have gladly rendered more services, but the limit of time was against us.

Q. Do you know anything about the number of churches in Gary? A. There are in the City of Gary about 90 religious organizations, including missions, churches and mission Sunday Schools and Bible Schools—about 90 in all.

Q. Do you know whether there is an invitation to all of the churches to use the facilities of W. J. K. S. on Sundays? A. I think there was.

Q. Is that invitation extended to them all? A. Yes.

Q. Have you any general statement that you want
1374 to make yourself, Reverend, along that line? A. No.

And here the witness concluded his testimony.

Joseph B. Kyle, the second witness, being first duly sworn by me to testify the truth, the whole truth, and nothing but the truth relating to said application, deposed as follows:

Direct examination.

By Mr. Johnson:

Q. State your name. A. Joseph B. Kyle.
Q. Where do you live? A. Gary, Indiana.
Q. What is your business or profession? A. Realtor.
Q. What is your address? A. 406 Washington St., Gary.
Q. What public office did you hold? A. Sheriff of Lake County, Indiana.
1375 Q. How long did you hold that position? A. Two years.
Q. And before that what were you? A. Banker.
Q. And what other position did you hold in the way of political line? A. Chairman of the Republican Central Committee of Lake County.
Q. How long were you Chairman of that Committee? A. Two and one-half years.
Q. Have you ever had occasion to use the facilities of W. J. K. S.? A. Yes.
Q. In what way? A. In the work of the Sheriff's office.
Q. In what way did you have occasion to use the facilities of W. J. K. S. in the Sheriff's office? A. Well, in the daily routine of the Sheriff's office.
Q. Were there ever any invitations extended to the Sheriff's office to use the facilities of W. J. K. S. for the purpose of the detection of any crimes? A. Yes, sir.
Q. When you were Sheriff, did you take advan-
1376 take of such facilities? A. Yes, sir.
Q. Were there ever any charges made for that? A. Never any charge.
Q. Are you familiar with the class of programs put on by W.J.K.S.? A. I am.
Q. Are these of the higher class or the inferior class of programs? A. Well, they are above the average.
Q. Do you know the various nationalities that are residents of Gary and the community as a whole? A. I have some knowledge of it, yes.

Q. Have you ever listened in to any of the foreign programs presented over this station? A. Yes.

Q. What effect do these programs have upon the various nationalities? A. Well, I would say that they are generally appreciated.

Q. Have they helped make good citizens? A. In my opinion, yes.

Q. Have you ever heard any complaints about interference with the reception of W.J.K.S.? A. Yes.

Q. What were they? Tell us, in general, the com-
1377 plaints that you have heard, that is, within the radius of 50 miles. A. Well, the main complaint is that there isn't a substantial amount of time allotted to the station, and, in addition to that, there is an interference, particularly by the station in Hammond, and then the Chicago stations, who seem to have more power and more time, interfere almost all the time.

Q. Have you listened in to the Chicago stations? A. Yes.

Q. How is their reception? A. What do you mean?

Q. Is it clear or do they have the interference that stations do on a low wave length? A. It is clearer than W.J.K.S.

Q. Would it be an advantage to the residents of this community if W.J.K.S. received a higher wave length? A. Yes, if W.J.K.S. would follow it with just giving the people what they think they deserve.

Q. No, I mean, if they were assigned to a higher wave length, say, like the Chicago stations, would that be a benefit to the community? A. Yes, just as much as it would be in Chicago.

Q. If they were granted full time, would that be a benefit to the community? A. Yes.

1378 Q. Could the community as a whole receive from other stations the same consideration that it has received from W.J.K.S.? A. Not any more than we could get the same service out of a Chicago newspaper.

Q. The residents of Gary—they are principally staple inhabitants, are they? A. Yes.

Q. And what is the principal industry of the Calumet District? A. The making of steel and the fabrication of steel.

Q. And the hours of employment are divided into three shifts? A. That is correct.

Q. In order to benefit the classes as a whole, then, it would be necessary to have full time in order to give a variety of programs to the various people who are not working at various hours? A. I would answer that in this way: that, if anybody is entitled to full time, why aren't we of Gary? We have pride in our stations, pride in our community, and this is the best way to show it—by the use of the radio.

Q. Is there any other station around that serves
1379 the northern part of Indiana in the same manner that W.J.K.S. does? A. No.

Q. If W.J.K.S. had been on full time when you were Sheriff, would that have been an advantage to you as a sheriff in preventing crime? A. It certainly would have.

Q. And it would also be the same rule with the present Sheriff? A. With the present Sheriff and with the Chief of Police of the different cities.

Q. Are you familiar with the children's programs that have been put on by W.J.K.S.? A. Yes.

Q. And are you familiar with the programs presented by the public schools? A. Yes.

Q. Is there any other station around that puts on the class of entertainment with reference to children's programs and educational features that W.J.K.S. does? A. Not to my knowledge.

Q. Are you familiar with the charitable work of W.J.K.S.? A. Yes.

Q. Has that helped the community as a whole?
1380 A. Yes.

Q. In what way has that helped the community as a whole? A. Well, in the school programs, it is just another means of expression, and has built up confidence in the work of the children, as well as an inspiration to part of the public to encourage them in their work. As far as the charitable end is concerned, it is an agency in assisting charity, just like any other public enterprise.

Q. Is there anything else that you can add as to the benefits that have been derived from the station by the community as a whole, and future benefits that can be derived on a full time schedule with higher wave length? A. The growth of the Calumet region is dependent upon so many things, and I think that a radio station here, located centrally, with the proper wave length and proper amount

of time would possibly add as much, if not more, than any other agency that I know of in that it would give us our rightful place in publicity.

Q. And it would also be a benefit to the community as a whole? A. Yes, that is what I mean.

And here the witness concluded his testimony.

1381 **Walter J. Kazich,** the third witness, being first duly sworn by me upon his oath to testify the truth, the whole truth, and nothing but the truth relating to said application, deposed as follows:

Direct examination.

By Mr. Johnson:

Q. What is your name? A. Walter J. Kazich.

Q. What is your business? A. I am in the milk business.

Q. Where do you live? A. Gary, Indiana.

Q. How long have you lived here in Gary? A. Well, since Gary has existed.

Q. Twenty-five years? A. Yes.

Q. What is your nationality? A. Croatian—Croatian descent.

Q. Have you had occasion to use the facilities of W J K S? A. I have.

Q. Has your nationality, the Croatians, ever availed themselves of the opportunity of using W J K S? A. They have, yes.

Q. Has there ever been any charges made for
1382 that? A. No charge.

Q. What effect do these programs have upon the Croatian people in this community? A. Well, it has made the Croatian people appreciate what they can get from this station.

Q. Well, is it a form of entertainment and education to the Croatian people? A. It is, yes.

Q. How many Croatian people are there in the Calumet region? A. Well, I think there would be about one hundred thousand.

Q. Have you heard any complaints about the reception of W J K S? A. I have heard that there is quite a lot of interference.

Q. Have you tuned in in any of the Chicago stations of higher wave lengths? A. I have, yes.

Q. How is their reception? A. Wonderful.

Q. Do they have the interference that W J K S has? A. No interference at all.

Q. What advantage would it be to the community as a whole if W J K S received a higher wave length? A. Well, it would be a better advantage for the simple reason that what reception the station would broad-
1383 cast would be clearer and there would be more people interested.

Q. What advantage would there be to the community as a whole if we had full time on the air? A. It would give all the people time to listen in.

Q. Are the Croatian people in position to put on additional programs if W J K S were granted more time? A. If they would broadcast more often, yes.

Q. Do you know of any charitable work that has been done by the station? A. Well, they have been very wonderful in their charitable work, in regard to the Milk Fund and drives that the Salvation Army has had and various other charities.

Q. Has there been any discrimination as to the different nationalities as far as the station is concerned? A. No, there hasn't.

Q. How about the religious end of it? A. I haven't heard of anything in that line.

Q. Have the programs that have been presented over W J K S been of assistance to the foreign born people as far as American ideas are concerned, and making better citizens of them? A. Yes, they have.

Q. Could you obtain the same help from Chicago stations that you do from this station? A. No, you
1384 could not.

Q. Would it be possible for you to put on your programs in the Chicago stations the same as you have done here? A. No, sir.

Q. And if we had more time and a higher wave length, and would not have any interference, it would be of public interest and benefit to the community at large? A. Yes, sir.

Q. Is there anything else that you want to add? A. I could only say this: in some of the various programs that

we have broadcast from this station, most of the people that we have received letters from (that is, in Chicago), said that the programs came in all right, but that the interference was terrible, and they wanted to know what caused that, and, of course, we told them.

Q. Are the programs presented by the station of the higher class or the inferior class of programs? A. They are of the highest class and meet with any program that any station puts on.

And here the witness concluded his testimony.

1385 **Steven S. Parenoff**, the fourth witness, being by me first duly sworn upon his oath to testify the truth, the whole truth and nothing but the truth relating to said application, deposed as follows:

Direct examination.

By Mr. Johnson:

Q. What is your name? A. Steven S. Parfenoff.

Q. Where do you live? A. 5932 Forest Av., Gary, Indiana.

Q. What is your business? A. Attorney-at-law.

Q. Your nationality? A. Russian.

Q. How many Russian people are there in the Calumet region? A. It is very hard to tell. It all depends on whom you call Russians. You mean all those that speak the Russian language?

Q. No, just the Russian nationality, or those who claim they are Russians. A. You see they are divided into Ukra-nians, White Russians and Red Russians.

Q. Well, those are Russians. A. Including Chi-
1386 cago, Hammond, East Chicago, Indiana Harbor and Gary, I would say about fifty thousand.

Q. Have you had any occasion to use the facilities of WJKS for broadcasting programs? A. Yes, several times.

Q. Has there ever been any charge made for that? A. No, no charges.

Q. And your programs that you put on, what did those programs consist of? A. Consisted of church songs and folk songs.

Q. Were those programs put on in the Russian language? A. Yes.

Q. And the talent—where did they come from? A. Right here in Gary.

Q. Local talent? A. Local.

Q. And the class of programs, are they the class of programs that are interesting to the Russian people? A. Yes.

Q. And what effect has the broadcasting of these programs had upon the Russian people? A. Well, I think it stimulates attendance at singing gatherings and brings them together and, in general, they like to hear it.

1387 Q. What effect does it have on the community? A. I think it has a good effect.

Q. Has it made better feeling between the various nationalities? A. Yes, it promotes better feeling. They hear each other sing; very frequently they like the singing.

Q. These various programs that have been presented, have they been a benefit to the community at large in having the Russian people believe in American ideas and American ways? A. I think so.

Q. Have they made them better citizens of the community? A. I think so.

Q. Have you ever heard any complaints about interference on account of the low wave length that we have? A. Yes.

Q. Have you ever tuned into Chicago stations and noticed the reception of the stations of higher wave length? A. Yes.

Q. The complaints about interference, where did they come from—mostly local? A. I think it was from Chicago.

Q. Did you hear any complaints locally about the interference? A. Yes, some complaints.

Q. About noise and disturbance? A. Yes, once in awhile; not much.

1388 Q. And it would benefit the community if we were assigned a higher wave length? A. I think so.

Q. If we were granted full time, are the Russian people in position to put on bigger and better programs? A. Yes.

Q. And oftener? A. Yes.

Q. Is there anything in general that you want to say? A. Well, I think that Gary needs a radio station. That would bring us closer to the other groups, speaking from a nationality standpoint.

Q. And they would be able to hear the various programs? A. Yes.

And here the witness concluded his testimony.

1389 **William Warrillow**, the fifth witness, being by me first duly sworn to tell the truth, the whole truth, and nothing but the truth relating to said application, deposed as follows:

Direct examination.

By Mr. Johnson:

Q. State your name? A. William Warrillow.

Q. Where do you live? A. 330 South Lake St., Gary.

Q. How long have you lived in Gary? A. Fourteen years.

Q. What is your business or profession? A. Production Clerk, Illinois Steel Company.

Q. Do you hold any public office? A. Yes, councilman from the Tenth Ward of the City of Gary.

Q. Are you familiar with Station WJKS, of Gary, Indiana? A. Very much so.

Q. Have you had any opportunity to use the facilities of WJKS? A. Yes, sir.

Q. In what way? A. As a member of the Miller Lake Shore District Business Association; we broadcast.

1390 Q. Tell us what the Lake Shore District Association is? A. It is an organization of business men of the 10th Ward in the City of Gary, organized for the betterment of that ward and of the city at large. We are all property owners and business men.

Q. What is there located in the 10th Ward that is of any interest to the community as a whole? A. The beautiful Lake Front Park, refreshment building and bathing beach.

Q. How does that bathing beach compare with others around here? A. Most favorably with most of them in Chicago and vicinity.

Q. Are any portions of the Sand Dunes located in the 10th Ward? A. Yes, the 10th Ward is the gateway to the Sand Dunes.

Q. Do many visitors come to visit the Dunes? A. If I am not mistaken, on the check of the Safety Board last year, particularly over the 4th of July, we had over one

hundred and fifty thousand cars pass, going to the Dunes.

Q. Most of them were from outside of Gary? A. Yes, sir; from Chicago and other parts of Illinois. In fact, we get visitors from all over the country to see the Dunes.

1391 Q. Do you know whether or not the various institutions ever bring groups of people to visit and examine the Dunes? A. Yes, sir, there are trips every week and students every day in the summer time from Chicago University and other universities and schools for the study of botany, and so forth.

Q. About using the facilities of W J K S—tell us about that. A. In what respect?

Q. You say you have been able to use the facilities of W J K S for broadcasting for your Improvement Association? A. Well, in the first place, the Miller Lake Shore District Association was behind a movement to advertise the Dunes extensively to all the country at large, and the Association took steps to broadcast over your station programs of entertainment and also telling the advantages of the Dunes and our Lake Shore District from the standpoint of health and a place in which to live, and they sponsored it very highly last year and used your station to do so.

Q. Was any charge made for that? A. None whatever.

Q. In the programs that you presented here, where was the talent secured from? A. From the 10th Ward—from Miller.

1392 Q. What effect did that have upon the community? A. The effect upon the community was this: other associations tried to follow suit and negotiations were made, but whether completed or not I do not know, but the 10th Ward did continue to broadcast over your station.

Q. What effect did it have upon the community? A. The community at large began to use the station more frequently.

Q. Did it benefit the community? A. Absolutely.

Q. Did it bring a closer bond of friendship between the people interested in this broadcasting? A. Yes.

Q. Did the community itself benefit by it? A. It did, because movements were under way after that to establish a Health Home on Fulton Road, in the Dunes. Negotiations are still under way for that.

Q. Are you familiar with the programs presented by the children and the schools? A. Very much so. In fact, I believe that our school bands, the way they are broadcasting now is a revelation to me. I am simply tickled to death and very much pleased with it.

Q. Is there any other station in Chicago or elsewhere that presents the programs, with reference to school
1393 bands and school organizations that W J K S does? A. No, sir, there isn't.

Q. Are you familiar with the charitable work that has been done by WJKS.? A. Yes, indeed; very much so.

Q. Has there been any discrimination as far as nationality or religious belief? A. None whatever.

Q. What do you know about the charity work of the station? A. Well, as Chairman of the charity drive this last winter and fall from the 10th Ward, I had to come to the station time and time again for help, and they gave clothing, groceries and other things that were needed. While here, I noticed people from all over the city getting the same treatment that I got.

Q. Was there any discrimination as to locality in the distribution of that charity? A. None whatever.

Q. Did the station distribute the goods or did it give it to the organizations to distribute? A. The station gave it to other organizations to distribute, like myself. This station put on a very intensive drive, and the results were very, very gratifying.

Q. Have you heard any complaints about the recep-
1394 tion of WJKS.? A. Yes, to some extent—the fading, in particular, and the time of broadcasting. We work here on shifts. It isn't possible for all the people to get in on the broadcasting.

Q. Did you hear any complaints about the interference of the bigger Chicago stations? A. Yes, sir.

Q. Have you listened in on the Chicago stations of higher wave length? A. Yes, I have.

Q. How is their reception, compared with WJKS.? A. Their reception is much better.

Q. Clearer? A. Yes.

Q. Would it be an advantage to the community as a whole if WJKS. had a higher wave length? A. It certainly would.

Q. Would it be an advantage to the community as a whole if WJKS. was assigned full time? A. It certainly

would. As I said before, on account of the turn work here, some of our people cannot enjoy the programs; particularly if you run a continued program, to be continued from week to week, the people could not enjoy them.

1395 Q. Have you listened to any foreign programs? A. I certainly have.

Q. Have they been the means of making better citizens of the foreign born people? A. Yes, indeed, they have. We all know that Gary is the most cosmopolitan city in the United States, regardless of size. I believe we have every nationality in the world here, and these people come here to work as steel workers, and this station has helped them to become better citizens by promoting their own talents in their own tongues.

Q. Would it be possible for your organization or the people of Gary to put on their programs in any station in Chicago? A. No, sir.

Q. If it were possible, would it be convenient for them? A. It would not be convenient.

Q. Would it be an advantage to the entire community if WJKS. were assigned a higher wave length and more time? A. It certainly would.

Q. Is there any statement that you would desire to make, Alderman, in addition to that you have covered in

1396 your testimony? A. Yes. I believe, in a general way, that Gary is one of the most unique cities in the United States. It stands forth as a steel city; it is a wonder city, being only 26 years old, and I believe that Gary deserves credit from all over the country for its advancement, and I believe this station is one of the best things ever offered to the city, and, as a means of advancement, I believe it should be fostered and encouraged.

And here the witness concluded his testimony.

1397 **Frances Hayes**, the sixth witness, being first duly sworn by me to testify the truth, the whole truth, and nothing but the truth relating to said application, deposed as follows:

Direct examination.

By Mr. Johnson:

Q. What is your name? A. Frances Hayes.

Q. Where do you live? A. Forest and Lake Avenue, Gary.

Q. What is your business or profession? A. Teacher.

Q. In Gary, Indiana? A. Gary, Indiana.

Q. Where? A. Beveridge School.

Q. Do you do any broadcasting on WJKS? A. Yes. I have 15 minutes five nights a week.

Q. What is that? A. "Learn to Speak English" for the foreign element.

Q. What is the object of the "Learn to Speak English"? A. Well, Gary has a population mostly of foreign born people, who have difficulty in learning English; also, there are extension classes, but many of them are so tired when they get home that they make no effort to attend the various schools that offer the subject, so it was thought that it would be a good idea to give them a course over the air. Most of them listen to radios at night.

1398

Q. What do you find is the effect of this "Learn to Talk English"? A. Various people that I come in contact with during the day—I teach in a foreign neighborhood, and different children tell me their parents listen in at night, and the storekeepers in this portion of the city have told me about their customers saying that they listened in, and one night, when I happened to be off the air, there was a number of telephone calls came in about it, so I really believe we have listeners on the hour.

Q. Is this broadcasting you are doing of public interest to the community? A. I really think it does a lot of good, because these people have no other means of getting an English education. There are some of them that are very well educated in their own language, but, when it comes to English, they have failed to attend school.

Q. Is the course advanced or elementary? A. It is very elementary—the most simple course we could obtain.

1399

Q. Is it the same course adopted by the public schools? A. Yes, it is the same course that is used by the Gary schools. The book is called "Learn to Speak English".

Q. Do you have anything else to do with any other programs on the station? A. Yes, I have the Children's Hour every Saturday afternoon.

Q. How long has the Children's Hour been in existence? A. Well, it is three or four years—practically ever since the station went on the air.

Q. How long are the children on? A. The children are on two hours—from two to four.

Q. What children put on the programs—what ages? A. From three to sixteen.

Q. How are the children secured? A. They come to us from the different schools, and they are brought by their parents down to the studio, and, naturally, there is a program arranged, and also a spontaneous program, where the children express themselves individually.

Q. Do you have any class programs? A. Yes, we take the auditorium programs that are prepared every week by the Training Teacher, and these are broadcast and are very educational.

Q. Is there any discrimination as far as children
1400 are concerned? A. No. We have every possible type of child from different home environments, and we find that the little foreign born child, especially, responds to us. They have no other means of expressing themselves, and most of their homes are crowded, and they seem to find some sort of self-expression in radio broadcasting.

Q. Do the programs consist of music and entertainment as well? A. Music, entertainment and educational.

Q. Do they put any special features on the program? A. Well, one instance I can recall—in fact, this week's broadcast was historical trees. The program had been prepared by the children themselves, all the material looked up, and it was brought to the station by a fifth grade class.

Q. Did you ever put anything else on? A. Then we have had debates on various subjects in the 6th grade with the 6th grade children.

Q. Are the children from parochial schools as well as public schools? A. Well, we make no distinction whatever.

Q. Is there any charge made by the station for this? A. No, none whatever. The children come, and we put them on.

Q. Who cooperates with this program? A. The various teachers have been splendid in donating their services, and the mothers and fathers are more than anxious to
1401 have their children appear over the air.

Q. What effect does the broadcasting have on the children? A. Well, it is really noticeable in their school

work. When it is told that, if the child prepares his work wekk and is a very splendid pupil, perhaps he will get the chance of broadcasting the following Saturday, we find that the children look forward to this and work. In fact, it gives them more motive than any artificial motive seems to, and seems to instill into their work something real and vital and brings them very much nearer than a mere person would.

Q. In other words, if the child isn't up in his studies, he is not permitted to broadcast? A. That's the idea.

Q. Has it a beneficial effect on the school itself? A. I really think it has.

Q. What effect has it on the parents of the children? A. Well, the parents seem to think their children are much more favored. They think their child is really getting ahead when the school wishes to put them out to show what the school is really doing.

Q. What else have you done in the way of developing the child? A. Well, we have taken our little broad-
1402 casters to the various theaters in town, and we have staged little playlets and sort of a vaudeville bill and allowed each child to do its specialty, and the child, of course, sees the picture, and then they put on their little specialty, and, in fact, they have a great deal of enjoyment out of it.

Q. Is there any other station in Chicago or to your knowledge that has these features or programs? A. We have been unable to find any that is not radio talent. By that I mean special children that have had the opportunity of voice culture and special expression training. These children are the children that are allowed to broadcast over other stations, but, over our station, we have given them equally a chance. Of course, there always has to be preparation, but the unusually gifted child is not always the child that is put on the program. The child that works hard and endeavors to do its best is always given a chance. Speaking of other stations, when Emerson's band (that is the school band here) broadcast, the various schools try to pick up the band in the auditorium. We have auditorium programs for the children one hour a day, where they listen to selections from different stations over the air, and little plays are produced in the auditorium for

their entertainment. It is one of their recreation
1403 periods. During this period, we try to pick up the Emerson School band, but we find quite a bit of difficulty in so doing, although the school is only two miles from the station itself. We cannot get the band.

Q. Why? A. Because of the interference from some other stations.

Q. Would it be possible for you to put these programs on any other station than WJKS? A. Well, I really do not feel it would be. In fact, it would be difficult, in the first place, to take Gary children back and forth to Chicago. We would have no means of transportation. We couldn't afford to pay their fare and the children, for the most part, come from rather poor—not poor homes, especially, but homes of very moderate circumstances, and they could not afford to spend the money to take them to Chicago.

Q. Is there any station that you ever tuned in that has a "Learn to Talk English" feature, either in Chicago or elsewhere? A. About a year ago there was a number known as "Good English" over WENR or WGN, I forget which, but it was for people who really knew how to speak English, and this was really remedial Engish—that is, to correct their language habits.

1404 Q. So it would be absolutely impossible to put your programs on any other station? A. I really feel it would be, because of the peculiar locality we are in.

Q. Do you know anything about the charitable work that the station has been doing? A. Yes, I know it gave good assistance to the schools during the unemployment crusade and Christmas week; especially, I know of Froebel and West Fifth Avenue and Beveridge, all of which received donations of clothing and food from the broadcasting station—from W J K S.

Q. Now, you were saying about the interference of the station. Your school is only two miles from the Emerson band room? A. Approximately. I am not positive.

Q. And it was impossible for you at times to pick up the Emerson band? A. Yes, we found interference.

Q. Did you ever tune in any of the Chicago stations of higher wave length? A. Yes. At first, we listened a great deal to the School of the Air.

Q. How is their reception? A. It is remarkably well. In fact, you can pick it up for two or three marks
1405 on the dial without varying the volume.

Q. Then would it be an advantage to the community as a whole if W J K S were assigned a wave length higher on the dial, similar to Chicago? A. I think undoubtedly.

Q. Would it be an advantage to the community if W J K S were granted full time? A. Absolutely.

Q. Would it give more opportunity for educational features? A. Yes. I think there are numerous other bands—school bands in the city—that we would be able, if there were time, to pick up.

Q. It would give the schools in Gary greater opportunity to put on more of the educational features, the same as you are doing? A. Yes, I think there are various other teachers who, if the time were allowed them, would be glad to.

Q. Have you gotten requests now from teachers who want to put on various programs of entertainment that can not do it? A. Yes, there is a teacher with whom I lunch occasionally, who says that she is very desirous of putting on a modern play production class. She feels that
1406 there is great need for the modern theater being brought home to the people.

Q. These little debates and plays that you put on, are they prepared by individuals for the children? A. No, the child does all its own research work, it interviews various people on these subjects, it goes to the library and looks up all the material; it talks to its family at home and finds out absolutely all it can about the subject. Just at present we are working on the chain stores, and these little children have been talking with the employees in the A. & P. and various chain stores in town.

Q. What do you work on that for? A. Well, the children themselves have had a dispute. There are a number of children in a certain class whose fathers own independent stores.

Q. Is that for the purpose of debating? A. Yes. They are debating whether or not the independent stores are of more value to the community than the chain stores.

Q. Is there any other statement you want to make? A. None, except that I think that Gary really wants a bigger

and better station, and we are really ready and willing to cooperate with whatever we can.

1407 Q. What nationality do you have in your school?

A. Bohemians, Slovaks, Croatians, Hungarians, Lithuanians, and Russians predominate.

And here the witness concluded her testimony.

1408 STATE OF INDIANA,
County of Lake, ss:

I, Thad. Menczynski, a Notary Public of Lake County, State of Indiana, do hereby certify that the above and foregoing depositions of Fred Osborne, Joseph B. Kyle, Walter J. Kazich, Steven S. Parfenoff, William Warrillow and Frances Hayes, witnesses in the above entitled cause, were taken on the 20th day of April, 1931, between the hours of 1:00 o'clock P. M. and 7:00 o'clock P. M. of said day; that said depositions were taken pursuant to attached order to take depositions from the Federal Radio Commission, and that the taking of same began at the office of Mr. Thad. Menczynski, 1710 Broadway, Gary, Lake County, Indiana, and adjourned to the room in the rear of 805 Broadway, the same being more convenient for the Notary Public and the witnesses called to testify in said matter.

That said above witnesses, Fred Osborne, Joseph B. Kyle, Walter J. Kazich, Steven S. Parfenoff, William Warrillow and Frances Hayes, were by me first duly sworn according to law to testify the truth, the whole truth and nothing but the truth relating to said cause; that their depositions were then reduced to shorthand writing by Helen M. Stanton, a disinterested person, in my presence and under my direction, and were afterwards translated by her into longhand (typewritten).

1409 That said depositions were taken on the part of the applicant herein, Johnson-Kennedy Radio Corporation, as set out in the caption herein.

That, at the taking of said depositions, the interrogation of said witnesses was conducted by Mr. Thomas J. Johnson, of Gary, Indiana.

In witness whereof I have hereunto set my hand and affixed my official seal this 20th day of April, 1931.

[Seal, Notary Public, Indiana.]

THAD. MENCZYNSKI,
Notary Public.

My commission expires March 20th, 1932.

1410 Docket 1156.

App. Exhibit 29.

Hart, Dice & Carlson, Shorthand Reporters.

Apr. 28, 1931.

Introduced at hearing before Federal Radio Commission.

Received Apr. 20, 1931.

Federal Radio Commission, Washington, D. C.

File No. 4 ML-B-667.

In re Application of Johnson-Kennedy Radio Corp., Dated September 22, 1930, for Modification of License. Location: Gary, Indiana. Operating Assignment Specified: Frequency, 560 kc.; Power, 1 kw. Night, 1250 W.LS.; Hours of Operation, Unlimited.

Order to Take Depositions.

On the written request of Johnson-Kennedy Radio Corporation, applicant in the above-entitled matter, in conformity with Subtitle B, Sec. 11 of its Rules and Regulations adopted by its General Order 93,

It is ordered that the testimony of the following witnesses:

Mr. Wm. P. Gleason, Supt. Illinois Steel Mills, Gary, Indiana;

Mrs. Henderson, Principal, Beverige School, Gary, Indiana;

Rev. Frederick Backmeyer, Pastor, First Presbyterian Church, Gary, Ind.;

Hon. R. O. Johnson, Mayor of City of Gary, Ind.;

Mr. D. J. Davies, Safety Inspector, Illinois Steel Mills, Gary, Indiana;

Mr. Stanley Buckin, Chief of Police, Gary, Ind.;

Miss M. E. Madeis, Supt. Neighborhood House, 1700 Adams Street, Gary, Ind.;

Rev. Bej. Kedrovsky, Pastor, Russian Church, 1675 Fillmore Street, Gary, Ind.;

Mr. Hubert S. Warren, Director of Bands, Emerson School, Gary, Indiana;

Rev. Father John A. Costello, Gary Aldering Settlement House, Gary, Ind.;

Rev. Wm. Ward Ayers, Pastor, Central Baptist Church, Gary, Indiana;

Mr. Wm. W. Arrilow, 330 South Lake St., Gary, Ind.;

Mr. Chauncey Townsend, Editor, Gary American, 1813 Washington, St., Gary, Ind.;

Mr. Joseph Kyle, Gateway Apartments, Gary, 1411 Ind.;

Mr. Walter Wasielewski, 1550 Connecticut Street, Gary, Ind.;

Miss Emma Clause, Secy., Bankers Trust Co., Gary, Ind.;

Rev. A. Bakay, 1306 Jackson St., Gary, Ind.;

Rev. Alexander Alamsha, Pastor, West Gary Presbyterian Church, Gary, Ind.;

Rev. Frank S. Delaney, 1507 Massachusetts St., Gary, Ind.;

Mr. Walter Kazich, Pres., Croatian Choir, 2300 Washington, St., Gary, Ind.;

Rev. Fred Osborn, Pastor, Christian Church, 4380 Washington Street, Gary, Ind.,

be taken by deposition before Mr. Thad Menczynski, Notary Public for the State of Indiana, or any other notary or officer having power to administer oaths, at the office of said Mr. Thad Menczynski, 1710 Broadway, Gary, Indiana, on Monday, April 20, 1931, at 1:00 P. M., transcribed and executed in the usual manner and to be filed with the Commission at its offices in Washington, D. C. not later than April 22, 1931, at 10:00 A. M., provided however, that the said depositions shall be subject to any and all objections that might be made by the Commission or any parties to the hearing, at the time of their introduction in evidence.

FEDERAL RADIO COMMISSION,
By JAMES W. BALDWIN,
Secretary.

Dated, April 17, 1931.

1412 Docket No. 1156.

APP. EXHIBIT 29.

Hart, Dice & Carlton, Shorthand Reporters.

Apr. 28, 1931.

Introduced at Hearing Before Federal Radio Commission.

Nelson Bros. Bond and Mortgage Company, 134 North LaSalle Street, Chicago, Ill.

[Mailed:] Washington, D. C., Apr. 18, 3:30 P. M., 1931. [Canceled 2-cent postage stamp.]

M. W. Willebrandt, 739 Shoreham Bldg., Washington, D. C.

A. E. Nelson.

1413 Docket No. 1156.

APP. EXHIBIT 30.

Hart, Dice & Carlson, Official Reporters.

Apr. 28, 1931.

Introduced at Hearing Before Federal Radio Commission.

The following Data is a true copy of the Log of Station W J K S:

For Friday, January 16, 1931.

7:00 a. m. Pep Program (Recorded Marches).
7:30 a. m. Musical Time Savers (Dance Recordings).
8:00 a. m. Smile-A-While Program.
8:30 a. m. Sign for WGES.
11:00 a. m. Emerson School Boys Band.
11:15 a. m. Weather Report—Time Signal.
11:20 a.m. Palace Theatre Organ: Bob Moore.
11:45 a. m. Request Period: Studio.
12:00 Noon. Time Signal.

12:02 p. m. Radio Chapel Service: Rev. Bachemeyer.
12:20 p. m. Market Briefs.
12:30 p. m. Prince Rajah: (Entertainment Feature).
1:00 p. m. The Early Radio Edition: News Services.
1:20 p. m. Aunt Alice and Her Mail Bag.
1:30 p. m. American Legion Safti-gram.
1:45 p. m. Home Decorations and Their Uses: Miss Neumann.
2:00 p. m. The Realm of Books: (Library Hour).
2:15 p. m. Nora and Bridget.
2:30 p. m. Recorded Gems: (Semi-Classical Recordings).
3:00 p. m. Business Women's Program.
3:15 p. m. Travel Talk: (Limehouse Section, London).
3:30 p. m. Frances Kennedy: (Commedienne).
3:45 p. m. Marathon Dancer's Program.
4:00 p. m. Sign off for WGES.
7:00 p. m. Learn to Speak English.
7:15 p. m. Alliance Finance Company Program.
7:30 p. m.
8:00 p. m.
8:15 p. m. Spanish Talent Program.
8:30 p. m. Marathon Dance Program.
9:00 p. m. Sign off for WGES.
10:30 p. m. Organ Program: Palace Theatre.
10:45 p. m. Record Program: (Popular).
11:00 p. m. Elks' Memorial Hour Program.
11:15 p. m. Marathon Dance Program.
11:45 p. m. W. J. K. S. Old Timers.
12:00 Mid. Sign off for WGES.

1414 Docket No. 1156.

App. Exhibit 31.

Hart, Dice & Carlson, Official Reporters.

Apr. 28, 1931.

Introduced at Hearing Before Federal Radio Commission.

The following Data is a true copy of the log of Station W J K S:

For Monday, March 16, 1931.

7:00 a. m. Pep Program (Marches) Recorded.
7:30 a. m. Musical Time Savers (Dance Records)

8:00 a. m. Smile-a-while.
8:30 a. m. Sign Off For WGES.
11:00 a. m. Palace Theatre Organ.
11:30 a. m. Plada Brothers: Hawaiian Guitarists.
12:00 Noon. Time Signals—Weather Forecast.
12:02 p. m. Radio Chapel Hour.
12:18 p. m. Emerson High School Band (Boy's).
12:55 p. m. Home Economics Period.
1:00 p. m. Happiness Club Program: Frank and Alice.
1:30 p. m. Dr. DeLisle: (Entertainment Feature).
2:00 p. m. Studio Pianologue—Bob Asche.
2:15 p. m. Nora and Bridget: Irish Sketch.
2:30 p. m. Alice Request Period.
2:45 p. m. The Poet's Corner.
3:00 p. m. Frances Kennedy: (Commedienne).
3:30 p. m. Travel Talk: (Scotland).
3:45 p. m. Dance Recordings.
4:00 p. m. Sign for WGES.
7:00 p. m. Learn to Speak English.
7:15 p. m. Studio Musican Program.
7:30 p. m. Youth and the Policeman: Address: Insp. A. S. J. Woods, of Gary Police Department.
7:45 p. m. Alice and Jean Cerbu: Pianist and Violinist: (Bohemian).
8:00 p. m. Gary American Colored Hour: (Chauncey Townshand).
8:30 p. m. Italian Program: Louis Vacirca: Directing.
9:00 p. m. Sign for WGES.
10:30 p. m. Happy Four Quartette: (East Chicago, Ind.).
10:45 p. m. Pianologue—Bob Asche.
11:00 p. m. Elks Memorial Hour Program.
11:05 p. m. Dr. De Lisle: (Entertainment Feature).
11:30 p. m. Recorded Novelties.
11:45 p. m. Palace Theatre Organ Program: Bob Moore.
12:15 p. m. Gary Theatre Program.
12:45 p. m. Popular Program—Request.
1:00 a. m. D-X Program.

1415 Docket No. 1156.

APP. EXHIBIT 32

Hart, Dice & Carlson, Official Reporters.

Apr. 28, 1931.

Introduced at Hearing Before Federal Radio Commission.

Radio Program—WJKS, Gary, Indiana.

1360 Kilo., 1,000 Watts, 220.4 Meters.

Police Department calls may interrupt Program at any time.

6:30 a. m.—Setting Up Exercises.
7:00 a. m.—Alarm Clock Program.
7:30 a. m.—Advice to School Children.
7:45 a. m.—Physical Culture.
8:00 a. m.—Old Time Favorites.
11:00 a. m.—Emerson School Band.
11:45 a. m.—News flashes.
12:00 Noon—Thought for the Day—Rev. Alamsha.
12:15 p. m.—"Rajah" Mystery Man.
12:45 p. m.—Arrival and Departure of Vessels.
1:00 p. m.—WJKS Christmas Basket Fund.
2:00 p. m.—Stewart Williams Trio.
2:30 p. m.—Weather Reports.
2:45 p. m.—Popular Piano Numbers.
3:00 p. m.—WJKS Christmas Basket Fund.
3:30 p. m.—Dance Marathon.
7:00 p. m.—Popular Studio Program.
7:30 p. m.—Inspector Woods.
7:45 p. m.—Anna Springer Beauty Talks.
8:00 p. m.—WJKS Christmas Basket Fund.
8:30 p. m.—Dance Marathon.
10:30 p. m.—Dance Orchestra.
11:00 p. m.—Elks Memorial Toast.
11:15 p. m.—"Rajah" Mystery Man.
11:45 p. m.—Dance Marathon.
12:30 a. m.—WJKS Christmas Basket Fund.
1:00 a. m.—Request and Whoopee Program.

Tuesday, December 23.

6:30 a. m.—Setting Up Exercises.
7:00 a. m.—Alarm Clock Program.
7:30 a. m.—Advice to School Children.
7:45 a. m.—Physical Culture.
8:00 a. m.—Grandfather Songs.
11:00 a. m.—Mail Bag Request Program.
11:45 a. m.—News flashes.
12:00 Noon—Thought for the Day—Rev. Alamsha.
12:45 p. m.—Arrival and Departure of Vessels.
1:00 p. m.—Gary School Band.
2:00 p. m.—Stewart Williams Trio.
2:30 p. m.—Weather Reports.
2:45 p. m.—Popular Piano Numbers.
3:00 p. m.—WJKS Christmas Basket Fund.
3:30 p. m.—Dance Marathon.
7:00 p. m.—Popular Studio Program.
7:30 p. m.—Plada Brothers Program.
8:00 p. m.—WJKS Christmas Basket Fund.
10:30 p. m.—Dance Orchestra.
11:00 p. m.—Elks Memorial Toast.
11:15 p. m.—"Rajah" Mystery Man.
11:30 p. m.—WJKS Christmas Basket Fund.
12:00 Mid.—Dance Marathon.
1:00 a. m.—Whoopee Program.

1416 Wednesday, December 24.

6:30 a. m.—Setting Up Exercises.
7:00 a. m.—Alarm Clock Program.
7:30 a. m.—Advice to School Children.
7:45 a. m.—Physical Culture.
8:00 a. m.—Grandfather Songs.
11:00 a. m.—Mail Bag Request Program.
11:45 a. m.—News Flashes.
12:00 Noon—Thought for the Day—Rev. Alamsha.
12:15 p. m.—"Rajah" Mystery Man.
12:45 p. m.—Arrival and Departure of Vessels.
1:00 p. m.—Gary School Band.
1:30 p. m.—WJKS Christmas Basket Fund.
2:30 p. m.—Weather Reports.
2:45 p. m.—Stewart Williams Trio.

3:00 p. m.—WJKS Christmas Basket Fund.
3:30 p. m.—Dance Marathon.
7:00 p. m.—Radio Chapel Sacred Music—Rev. Alamsha.
7:30 p. m.—Christmas Services — First Presbyterian Church.
8:00 p. m.—Central Baptist Church Services.
10:30 p. m.—Radio Chapel.
11:00 p. m.—Elks Memorial Toast.
11:15 p. m.—First Presbyterian Church.
11:30 p. m.—Central Baptist Church.
12:00 Mid.—Midnight Mass, St. Anthony Catholic Church.
2:00 a. m.—Christmas Carols.

Thursday, December 25.

6:30 a. m.—Setting Up Exercises.
7:00 a. m.—Studio Sacred Music.
8:00 a. m.—Bread of Life Program.
11:00 a. m.—First Presbyterian Church.
11:45 a. m.—News Flashes.
12:00 Noon—Central Baptist Church.
12:15 p. m.—"Rajah" Mystery Man.
1:00 p. m.—Gary School Band.
2:00 p. m.—Congregational Church.
2:30 p. m.—Weather Reports.
3:00 p. m.—Lutheran Church Choir.
3:30 p. m.—Radio Chapel Sacred Music.
7:00 p. m.—Central Baptist Church.
8:00 p. m.—Charity Program.
8:30 p. m.—Dance Marathon.
10:30 p. m.—Dance Orchestra.
11:00 p. m.—Elks Memorial Toast.
11:15 p. m.—"Rajah" Mystery Man.
11:30 p. m.—Dance Marathon.

Friday, December 26.

6:30 a. m.—Setting Up Exercises.
7:00 a. m.—Alarm Clock Program.
7:30 a. m.—Advice to School Children.
7:45 a. m.—Physical Culture.
8:00 a. m.—Classical Music.
11:00 a. m.—Mail Bag Request Program.
11:45 a. m.—News Flashes.

12:00 Noon—Thought for the Day—Rev. Alamsha.
12:15 p. m.—"Rajah" Mystery Man.
12:45 p. m.—Arrival and Departure of Vessels.
1:00 p. m.—Gary School Band.
1:30 p. m.—Happiness Program.

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2:00 p. m.—Stewart Williams Trio.
2:30 p. m.—Weather Reports.
3:00 p. m.—Charity Program.
3:30 p. m.—Dance Marathon.
7:00 p. m.—Popular Studio Program.
7:30 p. m.—Inspector Woods.
7:45 p. m.—Anna Springer Beauty Talks.
8:00 p. m.—Spanish Program.
8:15 p. m.—Charity Program.
8:30 p. m.—Dance Marathon.
10:30 p. m.—Dance Orchestra.
10:45 p. m.—Charity Program.
11:00 p. m.—Elks Memorial Toast.
11:15 p. m.—"Rajah" Mystery Man.
11:45 p. m.—Dance Marathon.

Saturday, December 27.

6:30 a. m.—Setting Up Exercises.
7:00 a. m.—Alarm Clock Program.
7:30 a. m.—Health Talks.
7:45 a. m.—Physical Culture.
8:00 a. m.—Popular Program.
11:00 a. m.—Mail Bag Request Program.
11:45 a. m.—News Flashes.
12:00 Noon—Thought for the Day—Rev. Alamsha.
12:15 p. m.—"Rajah" Mystery Man.
12:45 p. m.—Arrival and Departure of Vessels.
1:00 p. m.—Happiness Program.
1:45 p. m.—Stewart Williams Trio.
2:00 p. m.—Charity Program.
2:30 p. m.—Weather Reports.
3:00 p. m.—Children's Program.
3:30 p. m.—Dance Marathon.
7:00 p. m.—Studio Program.

7:30 p. m.—Hawaiian Melodies.
8:00 p. m.—Popular Music.
8:30 p. m.—Dance Marathon.
10:30 p. m.—Dance Orchestra.
11:00 p. m.—Elks Memorial Toast.
11:15 p. m.—"Rajah" Mystery Man.
11:30 p. m.—Dance Marathon.
12:00 Mid.—Dance Orchestra.
1:00 a. m.—Whoopee Program.

Sunday, December 28.

8:00 a. m.—Sacred Concert.
10:00 a. m.—Watch Tower Church Services.
12:15 p. m.—Bread of Life Program.
2:00 p. m.—Congregational Church.
2:30 p. m.—Lutheran Church Choir.
3:00 p. m.—Radio Chapel.
3:30 p. m.—News Flashes—Weather Reports.
3:45 p. m.—Dance Marathon.
7:45 p. m.—First Presbyterian Church.
8:00 p. m.—Dance Marathon.
10:30 p. m.—Charity Program.
11:00 p. m.—Elks Memorial Toast.
11:30 p. m.—Diversified Program.

1418 Docket No. 1156.

App. Exhibit 33.

Hart, Dice & Carlson, Official Reporters.

April 28, 1931.

Introduced at Hearing Before Federal Radio Commission.

Program for WJKS, Gary, Ind., for Week of September 14th, 1930.

Sunday—

8:30 a. m.—Catholic Church Services.
9:30 a. m.—Sacred Music.
10:45 a. m.—Central Baptist Church.
11:45 a. m.—Sign Off.
1:00 p. m.—Central Baptist Church.

2:00 p. m.—Christian Church of Tollitson.
2:30 p. m.—Fourth Presbyterian Church of East Gary.
3:00 p. m.—Salvation Army.
3:30 p. m.—Presbyterian Church of West Gary.
4:00 p. m.—Sign Off.
7:30 p. m.—Classical Program from Studio.
8:00 p. m.—First Presbyterian Church of Gary.
9:00 p. m.—Organ Recital and Classical Music.
9:30 p. m.—Sign Off.
10:45 p. m.—Dance Music from Gay Mill Ball Room.
12:00 p. m.—Sign Off.

Every Day in the Week Excepting Sunday.

7:00 a. m.—Alarm Clock Program.
7:30 a. m.—Grandmother's Favorites.
8:00 a. m.—School Children's Program.
8:30 a. m.—Household Hints.
9:00 a. m.—Sign Off.

Monday—

11:00 a. m.—Organ Recital—Palace Theatre.
12:00 a. m.—A thought for Today, by Rev. Alansha.
12:15 p. m.—News Flashes from Local and Daily Papers.
12:30 p. m.—Book Review of latest books—Public Library.
12:45 p. m.—Advice to Parents—Frances Kennedy.
1:00 p. m.—Sign Off.
1:15 p. m.—Happiness Request Program—filling mail requests.
3:00 p. m.—Sign Off.
3:15 p. m.—Afternoon Tea Dance—Announcements of local items of interest and sports—Police Bulletins.
3:30 p. m.—Graphols—Reader of Men.
4:00 p. m. —Sign Off.
7:00 p. m.—Community Studio Program.
7:30 p. m.—Inspector Albert S. Woods—The Modern Police Department.
8:00 p. m.—Serenading Guitarists—Hawaiian Melodies.
8:30 p. m.—Emerson High School Band.
9:00 p. m.—Sign Off.
10:30 p. m.—Diversified Studio Program.
11:00 p. m.—Elks Hour of Remembrance.

11:15 p. m.—Local Items of Interest—News Flashes from Local and Daily Papers—Police Bulletins.
11:30 p. m.—Studio Program.
12:00 p. m.—Whoopee Club.
3:00 a. m.—Sign Off.

Tuesday—

11:00 a. m.—Honor Seal Program.
11:30 a. m.—Palace Theater Organ Concert.
12:00 a. m.—A Thought for Today—Rev. Alansha.
12:15 p. m.—Local Items of Interest—News Flashes—Police Bulletins.
12:30 p. m.—American Legion Program.
12:45 p. m.—Advice to Parents—Frances Kennedy.
1:00 p. m.—Sign Off.

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1:15 p. m.—Happiness Program—Filling Mail Requests and Phone Requests. Local Items of Interest and Police Bulletins.
3:00 p. m.—Sign Off.
3:15 p. m.—Afternoon Tea Dance.
3:30 p. m.—Graphols—Reader of Men.
4:00 p. m.—Sign Off.
7:00 p. m.—Popular Studio Program—vocal and instrumental.
8:00 p. m.—Safety Program—sponsored by the United States Steel Mills.
8:30 p. m.—Horace Mann High School Band.
9:00 p. m.—Sign Off.
10:30 p. m.—Diversified Studio Program.
11:00 p. m.—Elks Hour of Remembrance.
11:15 p. m.—News Flashes—Local items of interest—Police Bulletins.
11:30 p. m.—Dance Music Program—Gay Mill Ball Room.
12:00 p. m.—The Owl Club.
3:00 a. m.—Sign Off.

Wednesday—

11:00 a. m.—Organ Recital—Palace Theatre.
12:00 a. m.—A Thought for Today—Rev. Alansha.
12:15 p. m.—Local Items of Interest—News Flashes and Police Bulletins—Arrival and Departure of Vessels.

12:30 p. m.—American Legion Program.
12:45 p. m.—Advice to Parents—Frances Kennedy.
1:00 p. m.—Sign Off.
1:15 p. m.—Happiness Studio Program—Filling Mail and phone requests.
3:00 p. m.—Sign Off.
3:15 p. m.—Afternoon Tea Dance.
3:30 p. m.—Graphols—Reader of Men.
4:00 p. m.—Sign Off.
7:00 p. m.—Studio Program.
8:00 p. m.—Guess Guitar Girls—Hawaiian Melodies.
8:15 p. m.—Cora Steffey—Reader.
8:30 p. m.—Froebel High School Band.
9:00 p. m.—Sign Off.
10:30 p. m.—Diversified Studio Program.
11:00 p. m.—Elks Hour of Remembrance.
11:15 p. m.—Local Items of Interest—News Flashes—Police Bulletins.
11:30 p. m.—Dance Music Programs—Red Devil Orchestra.
12:00 p. m.—Midnight Frolic—DX Program.
3:00 a. m.—Sign Off.

Thursday—

11:00 a. m.—Honor Seal Program.
11:30 a. m.—Palace Theatre Organ Concert—Kilgen Organ.
12:00 a. m.—A Thought for Today—Rev. Alansha.
12:15 p. m.—News Flashes—Local Items of Interest—Police Bulletins.
12:30 p. m.—Book Review—Public Library.
12:45 p. m.—Advice to Parents—Frances Kennedy.
1:00 p. m.—Sign Off.
1:15 p. m.—Happiness Program—Filling Mail and Phone Requests—Local Items of Interest—Police Bulletins.
3:00 p. m.—Sign Off.
3:15 p. m.—Afternoon Tea Dance and Sport Events.
3:30 p. m.—Graphlos—Reader of Men.
4:00 p. m.—Sign Off.
7:00 p. m.—Colored Program—Exclusively Colored Talent.
8:00 p. m.—Diversified Studio Program.
8:30 p. m.—Roosevelt High School Colored Band.

9:00 p. m.—Sign Off.
10:30 p. m.—Diversified Studio Program.
11:00 p. m.—Elks Hour of Remembrance.
11:15 p. m.—Polish Program and Polish Orchestra.
12:00 p. m.—Sign Off.

1420 Friday—

11:00 a. m.—Organ Recital, Palance Theatre Kilgin Organ.
12:00 a. m.—Rev. Alansha—A Thought for the Day.
12:15 p. m.—News Flashes—Items of Interest and Police Bulletins.
12:30 p. m.—Classical Program.
12:45 p. m.—Advice to Parents—Frances Kennedy.
1:00 p. m.—Sign Off.
1:15 p. m.—Happiness Program—Filling Mail and Phone Requests—News Flashes and Police Bulletins.
3:00 p. m.—Sign Off.
3:15 p. m.—Afternoon Tea Dance—Sport Events.
3:30 p. m.—Graphlos—Reader of Men.
4:00 p. m.—Sign Off.
7:00 p. m.—Studio Program.
7:30 p. m.—Inspector of Police Albert S. Woods—The Modern Police Dept.
8:00 p. m.—Spanish Program.
8:30 p. m.—Spanish Cavalier Orchestra.
9:00 p. m.—Sign Off.
10:30 p. m.—Studio Program—popular and classical music.
11:00 p. m.—Elks Hour of Remembrance.
11:15 p. m.—Studio Program and Elks Band.
12:00 p. m.—Sign Off.

Saturday—

11:00 a. m.—Aunt Alice and her Kiddy Program—Open to all children between the ages of 3 and 16. Singing is accompanied by the Kilgen Organ Palance Theatre.
12:00 p. m.—A Thought for the Day—Rev. Alansha.
12:15 p. m.—Local Items of Interest and Police Bulletins.
12:30 p. m.—Studio Request Program.
1:00 p. m.—Sign Off.
1:15 p. m.—Graphlos—Reader of Men.

1:45 p. m.—William P. Gleason's Children's Program—Open to all children between the ages of 3 and 16, of the Public and Parochial Schools, in honor of William P. Gleason, Superintendent of the United States Steel Mills. This Program is under the direction of the School Teachers and the Parent Teachers Association.
4:00 p. m.—Sign Off.
7:00 p. m.—Diversified Studio Program.
7:30 p. m.—Irish Program—Irish Songs — Recitations, Dancing and Music.
8:00 p. m.—Bohemian Program.
8:30 p. m.—Dance Music from the Gay Mill Ball Room.
9:00 p. m.—Sign Off.
10:30 p. m.—Italian Program.
11:00 p. m.—Elks Hour of Remembrance.
11:15 p. m.—Dance Music from Gay Mill Ball Room.
12:00 p. m.—Ducky Club.
3:00 a. m.—Sign Off.

1421 Docket No. 1156.

App. Exhibit No. 34.

Hart, Dice & Carlson, Official Reporters.

Apr. 29, 1931.

Introduced at Hearing Before Federal Radio Commission.

The following data is a true copy of the program sheet of Station WJKS:

For Friday, July 4, 1930.

7:00 a. m.—Martial Music.
7:30 a. m.—Songs of American History.
8:00 a. m.—Children's Program (Patriotic).
8:30 a. m.—Old Home Songs.
9:00 a. m.—Sign off for WGES.
11:00 a. m.—Patriotic Organ Recital.
11:30 a. m.—American Legion Program.
12:00 noon—Time Signal—Weather Report—Lake Vessels.

12:05 p. m.—Kosczíosko Post: American Legion Drum and Bugle Corps.
12:30 p. m.—Germans In American History (Steuben Club).
12:58 p. m.—Water Temperatures at Beaches.
1:00 p. m.—Sign for WGES.
1:15 p. m.—Studio Request Program.
1:30 p. m.—War Mothers Program:
1:55 p. m.—Frenchmen in American History.
2:15 p. m.—Emerson Military Band Program (Special Concert).
2:45 p. m.—Our Country: Her Foundation and Structure: Address by Judge C. V. Ridgley, of Federal Bench.
3:00 p. m.—Boy Scouts of America.
3:30 p. m.—The Slavish People in American History.
4:00 p. m.—Sign for WGES.
7:00 p. m.—Learn to Speak English (Special Program).
7:15 p. m.—Memorial Post # 17, American Legion Drum Corps.
7:45 p. m.—Mayor R. O. Johnson: Your Country, Our People.
8:00 p. m.—Roosevelt School Bank (Colored Children).
8:30 p. m.—Spanish and Mexican People's Band in Our History.
9:00 p. m.—Sign off for WGES.
10:30 p. m.—Popular Patriotic Program.
11:00 p. m.—Elks' Hour of Memory.
11:15 p. m.—The Memory Book.
11:30 p. m.—Palace Theatre Organ.
12:00 p. m.—Sign off for WGES.

1422 Docket No. 1156.

App. Exhibit No. 35.

Hart, Dice & Carlson, Official Reporters.

Apr. 28, 1931.

Introduced at Hearing Before Federal Radio Commission.

The following data is a true copy of the program sheet of Station WJKS:

For Thursday, July 3, 1930.

7:00 a. m.—International Salute: Recorded Marches and International Hymns and Anthems.

7:30 a. m.—The Children's Patriotism Program (Major Keplar).
8:00 a. m.—Story of Independence Day.
8:30 a. m.—American Marches and Patriotic Songs.
9:00 a. m.—Sign off for WGES.
11:00 a. m.—Organ Recital: Palace Theatre Organ.
11:30 a. m.—Morning Home Service Program.
11:45 a. m.—Studio Music.
12:00 noon—Time Signal—Weather Report—Lake Vessels.
12:05 p. m.—Radio Chapel Service, Rev. Alamsha.
12:30 p. m.—Studio Frolic.
12:30 p. m.—Lake Temperatures.
12:32 p. m.—Tom and Alice.
1:15 p. m.—Book Review (American History, Gordy).
1:30 p. m.—National Emblems: Their History.
1:45 p. m.—Studio Piano-logue.
2:00 p. m.—American Legion Safti-gram.
2:15 p. m.—Address by Rev. Millard (Methodist).
2:30 p. m.—Horace Mann School Band (Special Concert).
3:00 p. m.—Sign off for WGES.
3:15 p. m.—Memory Book.
3:30 p. m.—Frances Kennedy.
3:45 p. m.—Request Program.
4:00 p. m.—Sign Off.
7:00 p. m.—International Salute: Recorded Marches and International Band Hymns and Anthems.
7:30 p. m.—Children's Patriotism Program: Major Keplar, assisted by Miss Morrison.
8:00 p. m.—Polish Program: Mrs. Menczynski.
8:30 p. m.—Safety Hour Program: Gary Works, D. J. Davies.
8:45 p. m.—Studio Request Program.
9:00 p. m.—Sign off for WGES.
10:30 p. m.—Gary Elks' Band: Patriotic Program: Howard Beasey.
11:00 p. m.—Elks' Hour of Memory.
11:45 p. m.—Dance Orchestra Program (Studio).
11:45 p. m.—Palace Theatre Organ.
12:00 p. m.—Sign off for WGES.

1423 Docket No. 1156.

APP. EXHIBIT No. 36.

Hart, Dice & Carlson, Official Reporters.

Apr. 28, 1931.

Introduced at Hearing Before Federal Radio Commission.

The following data is a true copy of the program sheet of Station WJKS:

Wednesday, February 19, 1930.

7:00 a. m.—Alarm Clock Program.
7:30 a. m.—Old Time Favorites.
8:30 a. m.—School Children's Program.
8:30 a. m.—Household hints: Local Items of Interest.
9:00 a. m.—Sign off for WGES.
11:00 a. m.—Latest Stories and Book Reviews.
11:30 a. m.—News Service: U. S. Daily and Local News: Special Bulletins from daily press wires.
11:45 a. m.—Popular Request Program.
12:15 p. m.—Tom and Alice.
12:45 p. m.—Memory Book.
1:00 p. m.—Sign off for WGES.
1:15 p. m.—Studio Frolic: Mail Request Program: News flashes.
1:45 p. m.—Classical Program: Miss Albright's Group.
2:00 p. m.—Happiness Club: Frank and Alice.
3:00 p. m.—Sign for WGES.
9:15 p. m.—Afternoon Tea Dance Program.
3:45 p. m.—Local Events: Sports: News Summary.
4:00 p. m.—Sign for WGES.
7:00 p. m.—Concert Pianist and Organ Recital.
7:30 p. m.—Services: First Presbyterian Church.
8:30 a. m.—School Children's Program.
9:00 p. m.—Sign off for WGES.
10:30 p. m.—Studio Program.
11:00 p. m.—Elks' Hour of Memory.
11:15 p. m.—The Night News Bulletin.
11:30 p. m.—Studio Frolic Program.

12:00 mid.—Announcements of Local Interest: Night Re-Releases of the United States Daily.
12:20 a. m.—"D-X Jubillee."

1424 Docket No. 1156.

App. Exhibit No. 37.

Hart, Dice & Carlson, Official Reporters.

Apr. 28, 1931.

Introduced at Hearing Before Federal Radio Commission.

The following data is a true copy of the program sheet of Station WJKS:

For Sunday, February 16, 1930.

8:00 a. m.—Church Services: St. Mary's of The Lake (Guerre).
9:00 a. m.—Sacred Music: Recorded.
10:45 a. m.—Central Baptist Church Services (Ayer).
11:45 a. m.—Sign Off for Sister Station.
1:00 p. m.—Bread of Life: Central Baptist Church (Ayer).
2:00 p. m.—Christian Church of Tolleston (Fleming).
2:30 p. m.—Fourth Presbyterian Church (East Gary), (Alamsha).
3:00 p. m.—Salvation Army Service (Ensign Gates).
3:30 p. m.—West Gary Presbyterian Church (Alamsha).
4:00 p. m.—Sign off for Sister Station.
7:30 p. m.—City Church (Methodist) Epworth League.
8:00 p. m.—First Presbyterian Church (Bachmeyer).
8:45 p. m.—Sacred Organ Recital (Presbyterian Church).
9:00 p. m.—Studio Program (Classical Selections).
9:30 p. m.—Sign Off.
10:45 p. m.—Studio Program (Periods of Dance Music).
11:00 p. m.—Elks' Memorial Toast.
12:00 p. m.—Sign Off for Sister Station.

1425 Docket No. 1156.

App. Exhibit No. 38.

Hart, Dice & Carlson, Official Reporters.

Apr. 30, 1931.

Introduced at Hearing Before Federal Radio Commission.

The following data is a true copy of the program sheet of Station WJKS:

United States of America:

Federal Radio Commission.

Washington, D. C., April 30, 1931.

Pursuant to Section 882 of the Revised Statutes, I hereby certify that the annex mimeographed copy is a true copy of the original Explanation of General Order No. 92 and The Revised Quota Tables, dated July 2, 1930, on file in this Commission, and that I am the proper custodian of the same.

In witness whereof I have hereunto set my hand, and caused the seal of the Federal Radio Commission to be affixed, on the day and year first above written.

[Seal of Federal Radio Commission.]

JOHN B. REYNOLDS,
Asst. Secretary.

1426 Federal Radio Commission, Washington, D. C.

July 2, 1930.

2695.

Equitable Division of Radio Broadcasting Facilities Within the United States.

Explanation of General Order No. 92 and the Revised Quota Tables.

The "Davis Amendment" to the Radio Act, approved March 28, 1928, requires that the radio supervising authority of the United States "* * * shall as nearly as possible make and maintain an equal allocation of broadcasting

licenses, of bands of frequency or wavelengths, of periods of time for operation, and of station power, to each of said (five) zones * * * and shall make a fair and equitable allocation of licenses, wavelengths, time of operation and station power to each of the States * * * within each zone, according to population (of each State)."

The proportion of the *maximum* possible national broadcasting facilities due each State is, therefore, fixed by law. The percentages or number of units due each State are based upon official estimates of 1928 populations prepared by the U. S. Census Bureau, which will be used until the figures of the Official 1930 Census are released.

It is evident from a consideration of the estimated and variable factors and the different economic and geographic conditions in various parts of the United States that the quota allocation can never be exact. The ratios will vary from time to time as conditions are further improved by continued development of the radio art and decisions of the Radio Commission.

General Order No. 40, adopted by the Commission, August 30, 1928, is an outline basis for an equitable distribution of broadcasting facilities in accordance with the "Davis Amendment", considering public interest, convenience and necessity. As amended, it provides for a certain number of high power stations on interference free channels to serve rural and sparsely settled areas over long distances under favorable conditions. It also provides for a comparatively large number of smaller stations to serve state regional and city local areas. The stations assigned to these three classes of service, by virtue of power, frequency, and service area, have become known popularly as Clear, Regional, and Local Channel Stations.

Based on the frequency allocation specified in General Order No. 40, it was necessary for the Commission to determine the maximum number of stations of various powers which could operate simultaneously at night in the United States without objectionable interference, so that quota tables could be prepared showing the facilities assigned to each Zone, and each State within a Zone, for comparison with facilities due.

1427 The following table was established in 1928:

40 night stations on clear channels, each 5 kilowatts or more.

130 night stations on regional channels, each 500 to 1000 watts.

150 night stations on local channels, each 100 watts or less.

In accordance with this table, two or more stations dividing time on one assignment were considered as one station. ("Limited Time Stations" operating on clear channels and "Day Stations" were not charged to "quota")

The "quota" system adopted in 1928 showed the number of full-time station assignments of each of the three classes due each state as compared to the number of full-time assignments licensed. These figures nearly all came out in fractions showing further the impossibility of an exact allocation among states based on population.

Under the 1928 system, if a State was "under-quota" on one class of service and "over-quota" on another class, it was not practicable to determine the total value of the three classes of assignments so that one could be balanced against another to determine if a State was actually "under- or over-quota" on total radio facilities.

Therefore, the development of a "unit system" was undertaken to evaluate stations, based on type of channel, power, hours of operation, and all other considerations required by law.

The result of this research is General Order No. 92, adopted June 17, 1930, specifying the "unit value" of stations of various types, powers, etc., including "Limited Time" and "Day" stations as chargeable to "quota".

In order to calculate the number of units due each zone and each state in accordance with population, it was necessary to determine the number of channels of different classes and number of stations of various powers which could be used for simultaneous operation without objectionable interference, and calculate the unit values. The following table, based on General Order No. 40 and Amendments, was adopted by the Commission June 25, 1930.

Clear Channels.

40 Channels—5 kilowatts up—Full Time	200 Units	
Day stations—5 watts to 5 kilowatts	10 "	
Limited time stations—100 watts to 50 kilowatts	25 "	235 Units

Regional Channels

4 Channels—5 kilowatts—To stations per channel	16 Units	
31 Channels—1 kilowatt—Three stations per channel	93 "	
9 Channels—500 watts—Four stations per channel	18 "	127 Units
½—250 watts		
(Including day stations and additional day power.)		

1428 **Local Channels.**

6 Channels—100 watts—Thirty stations per channel (Including day stations and additional day power)	36 Units	36 Units
Total		398 "
Round total		400 "

To be Divided in Each Zone.

Clear	Regional	Local	Total
47 Units	26 Units	7 Units	80 Units

A complete tabulation of the revised quota figures by zones and states follows, giving "units" due, based on estimated population of 1928 by the U. S. Census Bureau, and "units" assigned as of June 9, 1930.

The number of "units" assigned will vary from time to time as changes are ordered or approved by the Commission.

Detail of Quota Units by Zones and States.

Zone 1.

State	Total Units Due	Total Units Assigned	Total Units Under or Over Quota	Clear		Regional		Local	
				Units Due	Units Assigned	Units Due	Units Assigned	Units Due	Units Assigned
Conn. ...	4.87	3.62	—1.25	2.86	2.82	1.58	.8	.43	–
Del.	.71	.7	— .01	.42	–	.23	.5	.06	.2
Dist. ...	1.53	1.3	— .23	.90	–	.50	1.1	.13	.2
Maine ..	2.33	2.0	— .33	1.37	–	.76	1.6	.20	.4
Md.	4.73	3.8	— .93	2.78	2.5	1.54	.8	.41	.5
Mass. ...	12.54	10.23	—2.31	7.37	5.58	4.08	3.60	1.10	1.05
N. H. ...	1.34	.2	—1.14	.78	–	.43	–	.12	.2
N. J. ...	11.18	11.45	+ .27	6.56	9.10	3.63	2.30	.98	.05
N. Y. ...	33.77	38.59	+4.82	19.85	26.19	10.98	9.45	2.96	2.95
R. I. ...	2.10	1.4	— .70	1.23	–	.68	1.0	.18	.4
Vt.	1.03	.3	— .73	.61	–	.34	–	.09	.3
P. R. ...	3.80	.6	—3.20	2.23	–	1.23	.6	.33	–
V. I.	.07	.-	— .04	.04	–	.02	–	.01	–
Total	80.00	74.19	—5.81	47.00	46.19	26.00	21.75	7.00	6.25

1429

Zone 2.

State	Total Units Due	Total Units Assigned	Total Units Under or Over Quota	Clear		Regional		Local	
				Units Due	Units Assigned	Units Due	Units Assigned	Units Due	Units Assigned
Ky.	7.26	7.0	— .26	4.27	5.00	2.36	1.5	.64	.5
Mich. ..	13.06	10.09	—2.16	7.67	5.00	4.24	4.2	1.14	1.7
Ohio ...	19.42	18.28	—1.14	11.41	10.38	6.31	6.3	1.70	1.6
Pa.	28.03	19.05	—8.98	16.47	10.00	9.12	6.15	2.45	2.9
Va.	7.33	9.5	+2.17	4.30	5.00	2.38	3.3	.64	1.2
W. Va. .	4.90	3.6	—1.30	2.88	2.50	1.59	.9	.43	.2
Total	80.00	68.33	—11.67	47.00	37.88	26.00	22.35	7.00	8.1

Zone 3.

State	Total Units Due	Total Units Assigned	Total Units Under or Over Quota	Clear		Regional		Local	
				Units Due	Units Assigned	Units Due	Units Assigned	Units Due	Units Assigned
Ala.	7.33	4.5	—2.83	4.30	2.5	2.38	1.4	.64	.6
Ark.	5.54	4.3	—1.24	3.25	2.5	1.80	1.5	.48	.3
Fla.	4.02	8.35	.+4.33	2.36	1.9	1.30	6.25	.35	.2
Ga.	9.12	7.6	—1.52	5.36	5.0	2.96	1.7	.80	.9
La.	5.55	8.5	+2.95	3.26	5.0	1.80	2.6	.49	.9
Miss. ...	5.10	2.6	—2.50	2.99	–	1.66	1.8	.45	.8
N. Car. .	8.37	7.82	— .55	4.92	5.62	2.72	1.6	.73	.6
Okla. ...	6.91	8.05	+1.14	4.06	2.5	2.25	4.4	.60	1.15
S. Car. ..	5.31	1.9	3.41	3.12	–	1.73	1.4	.46	.5
Tenn. ..	7.13	12.9	+5.77	4.19	5.0	2.32	6.6	.62	1.3
Texas ..	15.62	22.67	+7.05	9.19	12.50	5.08	7.27	1.38	2.9
Total	80.00	89.19	+9.19	47.00	42.52	26.00	36.52	7.00	10.15

1430 Zone 4.

State	Total Units Due	Total Units Assigned	Total Units Under or Over Quota	Clear Units Due	Clear Units Assigned	Regional Units Due	Regional Units Assigned	Local Units Due	Local Units Assigned
Ill.	22.08	33.86	+11.78	12.99	28.46	7.19	3.8	1.94	1.5
Ind. ...	9.49	5.9	— 3.59	5.57	2.5	3.08	2.1	.83	1.3
Iowa ..	7.25	12.50	+ 5.25	4.26	8.2	2.36	3.45	.63	.85
Kans. .	5.48	5.81	+ .33	3.22	2.9	1.78	2.51	.48	.4
Minn. .	8.13	8.95	+ .33	4.78	5.45	2.64	3.0	.71	.5
Mo. ...	10.52	12.88	+ 2.36	6.18	7.3	3.42	4.45	.92	1.13
Neb. ...	4.21	5.75	+ 1.51	2.47	3.52	1.37	1.5	.37	.7
N. Dak.	1.95	2.47	+ .55	1.13	–	.62	1.07	.17	.8
S. Dak.	2.10	4.07	+ 1.97	1.24	1.4	.68	1.87	.18	.8
Wisc. .	8.82	7.45	— 1.37	5.18	–	2.86	6.25	.77	1.2
Total	80.00	89.91	+19.61	47.00	59.73	26.00	30.6	7.00	9.18

1431 Zone 5

State	Total Units Due	Total Units Assigned	Total Units Under or Over Quota	Clear Units Due	Clear Units Assigned	Regional Units Due	Regional Units Assigned	Local Units Due	Local Units Assigned
Ariz ...	3.37	2.6	— .77	1.98	-	1.09	1.7	.29	.9
Calif. ..	32.34	38.41	+6.07	19.02	19.91	10.53	16.3	2.84	2.2
Colo. ..	7.74	9.6	+1.86	4.54	5.0	2.51	3.8	.68	.8
Idaho .	3.88	2.25	—1.63	2.28	–	1.26	1.85	.34	.4
Mont. .	3.90	3.20	— .70	2.29	-	1.27	2.85	.34	.35
Nev. ..	.55	.4	— .15	.32	–	.18	–	.05	.4
N. Mex.	2.81	2.57	— .24	1.65	1.67	.91	.5	.24	.4
Ore. ...	6.41	8.31	+1.90	3.76	3.71	2.08	3.6	.56	1.0
Utah .	3.77	6.60	+2.83	2.21	5.0	1.22	1.6	.33	–
Wash.	11.27	15.99	+4.72	6.62	6.49	3.66	7.9	.99	1.6
Wyo. .	1.75	.2	—1.55	1.03	–	.57	–	.15	.2
Alaska	.39	1.0	+ .61	.23	–	.13	.8	.03	.2
Hawaii	1.82	1.6	— .22	1.07	–	.59	1.6	.16	–
Total	80.00	92.73	+12.73	47.00	41.78	26.00	42.50	7.00	8.45

1432 & 1433 Following is a table giving the totals by zones and the grand totals for the United States:

Total Units Due	Total Units Assigned	Total Units Under or Over Quota	Clear Units Due	Clear Units Assigned	Regional Units Due	Regional Units Assigned	Local Units Due	Local Units Assigned
			Zone 1.					
80.00	74.19	— 5.81	47.00	46.19	26.00	21.75	7.00	6.25
			Zone 2.					
80.00	68.33	—11.67	47.00	37.88	26.00	22.35	7.00	8.1
			Zone 3.					
80.00	89.19	+ 9.19	47.00	42.52	26.00	36.52	7.00	10.15
			Zone 4.					
80.00	99.61	+19.61	47.00	59.73	26.00	30.60	7.00	9.18
			Zone 5.					
80.00	92.73	+12.73	47.00	41.78	26.00	42.50	7.00	8.45
400.00	424.05	+24.05	235.00	228.10	130.00	153.72	35.00	42.13

A comparison of the revised "unit quota system" with the superseded system shows that the differences are relatively small and that the radio set-up of the country will not be unduly disturbed by the adoption of the improved system.

Concluding, it appears that the United States was 24.05 units over the maximum 400 as of June 9, 1930, averaging ½ unit per state. Twenty-seven states were "under quota" as compared to twenty-one states "over quota". Quite a fair balance considering the many technical complications and conflicting interests.

As pointed out, the distribution of radio facilities can never be exactly proportional but it is evident that conditions will be gradually improved as some stations which are financially unsound "go off the air" and other assignments are transferred from "over quota" to "under quota" areas.

1434 Federal Radio Commission. Received Jun. 1, 1931.
James W. Baldwin, Secretary.

Mabel Walker Willebrandt, Attorney at Law.

Cable Address: "Wilbrant".

Los Angeles Office: Willebrandt, Horowitz & McCloskey, 502 Union Bank Building.

Mabel Walker Willebrandt, Fred Horowitz, P. N. McCloskey. Wm. Montgomery Smith, Paul J. Fritz.

739 Shoreham Building,
Washington, D. C., June 1, 1931.

Secretary Federal Radio Commission,
Washington, D. C.

Application 4-ML-B-667, Docket #1156. Our File No. 605.

SIR:

I am transmitting herewith, in duplicate, Report of Balance Sheet Audit as at April 1, 1931 of Johnson-Kennedy Radio Corporation. This document is a part of the record of the hearing on the above application held before chief

Examiner Yost, April 23 to April 30, 1931, inclusive, it having been agreed by applicant that same would be furnished the Chief Examiner.

Very truly yours,
MABEL WALKER WILLEBRANDT,
(MABEL WALKER WILLEBRANDT,)
S.
Attorneys for Johnson-Kennedy Radio Corporation.

MWW/sps.

1435 Chicago, Illinois, May 19, 1931.

Ralph L. Atlass,
Treasurer Johnson-Kennedy Radio Corporation,
410 North Michigan Avenue,
Chicago, Illinois.

DEAR SIR:

In accordance with your request, I have made a balance sheet audit of the books and records of your Company as at April 1, 1931, and herewith submit my report, together with the following exhibit: Exhibit "A"—Balance sheet as at April 1, 1931.

In accordance with an agreement between Frances Kennedy Johnson and Thomas J. Johnson, (vendors) and Ralph L. Atlass, (purchaser), entered into in March of 1931, the vendors assumed all of the accounts payable of your Company to April 1, 1931, and were entitled to receive the net proceeds of all accounts receivable as of that date, and in addition guaranteed the title in the Company, of the physical property used in operating the Radio Station WJKS., free and clear of all mortgages, liens or other encumbrances. I am credibly informed the said vendors are financially responsible and capable of performing their agreement.

The values of the physical equipment shown in the attached balance sheet, Exhibit "A", are appraised values as at April 1, 1931, as appraised by Mr. Pat Paulsen, chief engineer for Radio Station WBBM., Chicago.

The cash in Bank, $5,282.50, was verified by inspection of the Bank's pass book, and the account receivable due from Ralph L. Atlass, was verified by receiving his acknowledgment of said indebtedness.

The Common and Preferred Stock authorized and outstanding was verified by inspection of the Stock
1436 records of the Company.

I hereby certify that in my opinion, the attached balance sheet, subject to the foregoing remarks, correctly shows the financial condition of your company as at April 1, 1931.

Respectfully submitted,

HUGH N. SMITH,
Certified Public Accountant (*Ill.*).

1437-1477 EXHIBIT "A".

Johnson-Kennedy Radio Corporation, Gary, Indiana.

Balance Sheet as at April 1, 1931.

Assets:

Cash in Bank	$5,282.50
Accounts Receivable—Ralph L. Atlass	5,000.00
Transmitting Equipment and accessories, towers, antennae, and power supply units installed	18,000.00
Studio Equipment and remote control apparatus	12,000.00
Total assets	$40,282.50

Liabilities:

Broadcasting service received in advance	$282.50
Paid in Surplus	10,000.00
Common Stock—200 Shares, Par Value $100.00, authorized and outstanding	20,000,00
Preferred Stock—100 Shares, Par Value $100.00, non-cumulative, authorized and outstanding	10,000.00
Total liabilities	$40,282.50

1478

Docket No. 1156.

WEAO Exhibit 2.

Hart, Dice & Carlson, Official Reporters.

Apr. 28, 1931.

Introduced at Hearing Before Federal Radio Commission.

The Ohio State University, Columbus.

George W. Rightmire, President.

Department of Electrical Engineering: E. E. Dreese, Professor; F. C. Caldwell, Professor; I. S. Campbell, Associate Professor; W. L. Everitt, Associate Professor; J. E. Shepardson, Assistant Professor; E. E. Kimberly, Assistant Professor; K. Y. Tang, Instructor; J. F. Byrne, Instructor; J. D. Corley, Assistant; R. C. Moser, Assistant.

April 15, 1931.

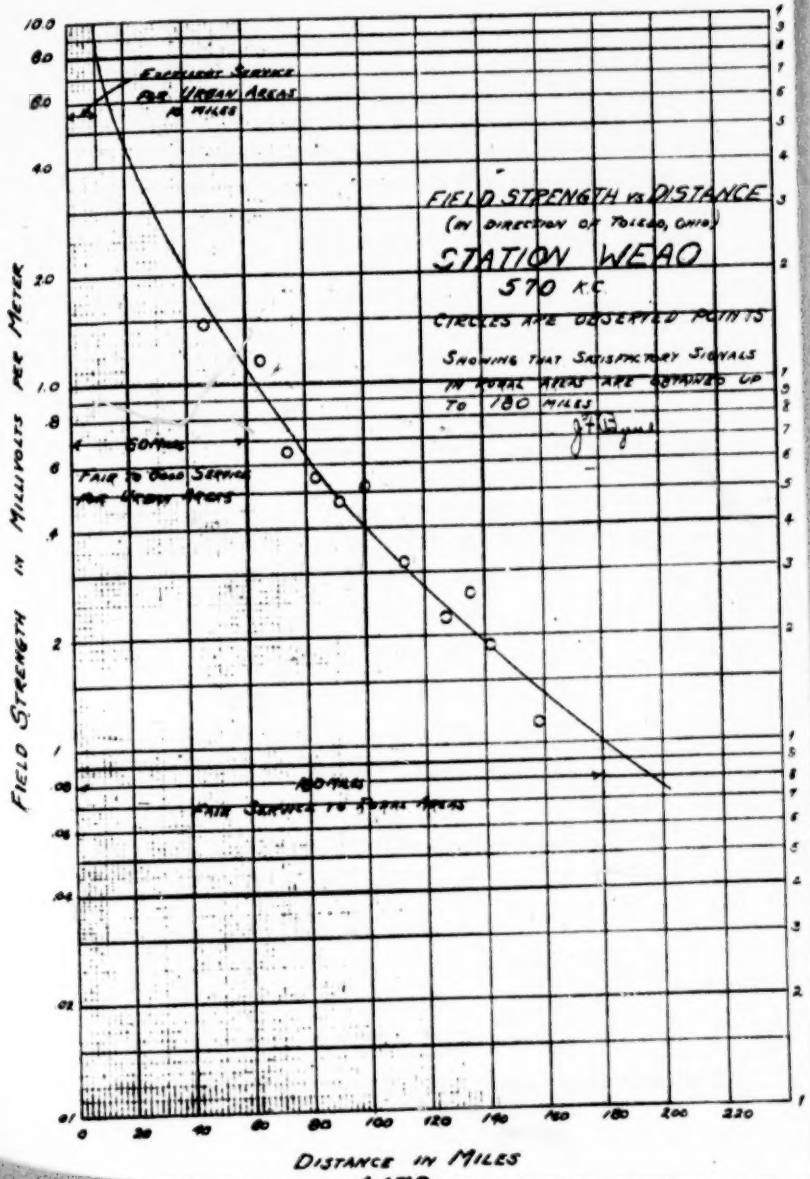
Mr. R. C. Higgy,
Director Radio Station WEAO,
Ohio State University,
Columbus, Ohio.

Dear Sir:

At your request the field strength of station WEAO was measured at a number of points spaced about 10 miles apart along the line from Columbus to Toledo. Measurements were taken as far north as Somerset, Michigan. The results of these measurements indicate that station WEAO has a field strength in this particular direction of 100 microvolts per meter at a distance of 180 miles. The measured value of the field strength at Somerset, Michigan, 15 miles south of Jackson, a distance of 156 miles, was 190 microvolts per meter and no difficulty was encountered in obtaining a very satisfactory signal at this point. The measured field strength at the Michigan-Ohio State border was 280 microvolts per meter.

As you doubtless know, a field strength of 1,000 microvolts per meter is quite satisfactory for the less congested urban areas and excellent for most rural areas. WEAO has this value of field strength at a distance of 60 miles. The requirements for satisfactory service in rural areas are somewhat less than for urban areas, and as a result,

Nos. 5530 + 5533
Nelson Bros. Bond & Mortgage Co. (WIBO)
North Shore Church (WPCC)
vs.
Federal Radio Commission et al.



a field strength of 100 microvolts per meter in rural areas will result in fair service, provided atmospheric conditions are not unfavorable.

The signal of WKBN, Youngstown, Ohio, sharing your frequency of 570 kilocycles was measured near West Millgrove, Ohio, about 25 miles South of Toledo, a distance of 150 miles from Youngstown, the observation resulting in a field strength of 42 microvolts per meter. The same station was measured at Somerset, Michigan, where a field strength of eight microvolts per meter was observed. The results of the measurements indicate that the establishment of a station at Lansing, Michigan, would result in mutual interference between the proposed station and WEAO over quite an area, while interference with WKBN at Youngstown would be negligible.

The attached graph of field strength vs. distance shows the nature of field strength variation in your particular case and may be of use to you.

Very truly yours,

J. F. BYRNE.

JFB:AT.
Inc. #1.

(Chart Follows Side Folios 1479-1483.)

1484-1503 WEAO EXHIBIT 2-A.

Radio Station WIBO.

560-kc. 535.7-M.

Alvin E. Nelson, President.

The "Giant Finger of the Air."

Chicagoland's Great "Focusing Glass."

"Top o' the Dial."

James R. MacPherson, Merchandising Director.

Docket No. 1156.

WIBO EXHIBIT 2-A.

Hart, Dice & Carlson, Official Reporters.

Apr. 25, 1931.

Contract and Other Requirements.

Rates are net for station time, announcing and continuity service; they do not include program talent. Services of

artists and musicians for each sponsored program are arranged and paid for by the Program Service Department. These program charges are billed to the advertiser in addition to the charge for time.

Where responsibility for selecting talent is left with the station, every effort is made to provide a diversified selection of artists from which the advertiser may choose. Upon request, (in fact, usual procedure), when the type of program has been determined by conference, a flat rate, including station time, talent, and all charges is quoted. Services of the program department (in conjunction with advertiser's staff) in arranging effective programs and in providing program announcements and announcers, are included without extra charge.

All radio advertising contracts are subject to the laws, rules and regulations of the United States, State of Illinois, City of Chicago, and other regulatory bodies, and especially subject to the rules and regulations of the Federal Radio Commission. All programs, announcements, and other material used in connection with broadcasts over WIBO are subject to the approval of the Station.

Agency Commission and Cash Discount.

Agency commission of 15% is allowed to recognized agencies, on the rates quoted on this card. No commission is allowed except to recognized agencies in good standing. No commissions are allowed on special talent charges or other extra program expenses.

Advertisers are billed upon rendering of each program. All bills are payable, net, thirty days after date, or subject to 2% cash discount if paid within 10 days after date.

General Advertising.

General advertising through the National Broadcasting Company's Chain is subject to the rates, rules and regulations of the N. B. C.

Closing Time.

Copy for advertising announcements and programs should be prepared and delivered to the station one week prior to the day on which the program is to be broadcast.

Wave-Length—Time.

Wave—560 Kilocycles—535.7 Meters.

Operating Power provides sharp and clear reception throughout the great Chicagoland 150-mile radius with its 10% of U. S. buying power. Reception is unusually clear on WIBO's wave length "At the Top o' the Dial." Transmitter located at Des Plaines.

Time: Actual operating schedule: daily except Sunday 6:25 a.m. to 5:00 p.m.; 6:00 p.m. to 1:00 a.m.; Sunday: 8:00 a.m. to 10:00 a.m.; 12:30 p.m. to 4:00 p.m.

Mechanical Program Equipment.

Equipment to handle programs by electrical transcription, using double turn-table.

Circulation—Reasons Why—etc.

The radio programs of WIBO are featured in the Chicago Evening American which has a daily circulation of 580,000 copies. Based upon the government census of 4.3 persons per family, the radio news about WIBO printed in the Evening American is placed before something like 2,500,000 people. This vast natural audience is increased greatly by large numbers of other listeners who are attracted by many feature programs. (See reverse of this card)

Programs—Merchandising Co-operation.

Expert assistance is rendered in the preparation of programs. Skilled merchandisers and publicity men are employed to assist advertisers in extracting maximum value from radio activities over WIBO. Special efforts are made to co-ordinate these radio activities with other advertising and merchandising elements used by clients to increase sales.

"Where Over 3,000,000 Listeners Find Superlative Broadcasts."

Winning Interest Brings Orders.

WIBO.

"Why It Brings Orders."

A. Powerful evening newspaper co-operation thru 580,000 copies of the Chicago Evening American daily featuring WIBO programs. (This co-operation every evening—at the time of greatest value to radio-advertisers—insures an audience of nearly 150,000 circulation greater than the nearest evening newspaper.)

B. Popular mass-and-class-appeal programs attract regularly all types of listeners. High-grade N. B. C. features such as Cliquot Club Eskimos, Walter Damrosch's famous orchestra, R-K-O, and other famous features listed in greater detail on reverse side, explain why WIBO commands such a huge audience of habitual listeners whose favor means much to advertisers. It is estimated that more than 3,000,000 listeners hear Saturday programs over WIBO, including opera, and Damrosch's orchestra, while popular week-day programs attract a vast audience regularly.

C. Skilled and experienced merchandising and publicity men are employed on the WIBO staff to co-operate with advertisers so that best possible use of programs may be effected. Every effort is made to co-ordinate radio activities with other forms of advertising and merchandising efforts put forth by the advertiser. Powerful "focusing glass" procedure is followed to direct attention upon specific advertisements at the time they are in readers' hands and to extract from them every possible bit of selling influence.

D. Being at the "Top o' the Dial," WIBO is easily tuned in. This advantageous position also removes WIBO from so much of the troublesome interference which is frequently encountered by lower positions. It also gives WIBO the enviable distinction of being the only radio

station in Chicago to which the air-mail pilots can listen on their radio-beacon receivers which operate on wave lengths just above the audio-frequency band.

E. Over 25,000,000 ticket-buyers yearly visit "Balaban & Katz—Publix" Theatres in Chicago which carry WIBO "trailers" between showings of feature films.

WIBO's Great Circle of Influence.

Within a 150-mile radius of Chicago, are found the majority of WIBO's listeners. Here is concentrated the enormous buying power of the great Middle West.

Millions of Chicago movie-goers constantly being "sold" to listen habitually to WIBO, means another advantage for advertisers through this Station.

1504 Docket No. 1156.

WIBO EXHIBIT 7-A FOR IDENT.

Hart, Dice & Carlson, Official Reporters.

Apr. 28, 1931.

Introduced at Hearing Before Federal Radio Commission.

The Gary Post-Tribune, Thursday, January 15, 1931.

WJKS Programs.

Gary's Fireside Radio Log.

Gary Time Used Throughout.

Tonight.

7:00—Colored talent, Hermes Zimmerman.
7:30—Marathon program.
8:00—Gary Works Old Timers.
8:10—Gary Works safety program, D. J. Davies.
10:30—Popular studio program.
10:58—Elks' memorial hour.
11:02—Marathon dance program.

Friday.

7:30 a. m.—Popular record program.
11:00 a. m.—Popular studio program.
11:30 a. m.—Plada brothers.
12:00 noon—Radio chapel.
12:15 p. m.—Alice Murphy, popular songs.
12:45 p. m.—Post-Tribune news summary.
1:30 p. m.—Happiness Club, Aunt Alice.
3:00 p. m.—Popular record program.
3:15 p. m.—Among the poets, Frank Morrow.
3:30 p. m.—Marathon half hour.

1505 WIBO 8-A

Announcements Made Nov. 1, '29.

Motorcycle Mike	11:02
South Chicago News	11:14
Frank Flezno	11:18
Adams Feed and Coal	11:23
Heritage Coal & Supply	11:28
Gary Service Fuel Oil	11:32
Consumers Coal Co.	11:40
Superior Meat Co.	1:15
Walter E. Grote	1:20
Foley Honey & Tar	1:25
Acme Ice	3:15
Kickles Motor Sales	3:18
Monarch Ldry.	1:28
Lewis Porter	3:25
F. Steigerwald	3:30
Inland Electric	3:45
Glen Park Furniture	3:55
Bogeau Modern	3:58

Letters, 16.
Telephone, 93.

7-9.

Morris B. Sacks	7:05
Inland Electric	7:08
Consumers Coal	7:10

10:30-12:00.

Gouwens Auto Parts	10:32
Red Top Oil Burner	10:37
Central Broom & Specialty Co.	11:15
Fred Hawkins, Inc.	11:20
Superior Meat Pdcts. Co.	11:23
Triple H. Auto Parts Co.	11:26
F. Steigerwald & Co.	11:31
Hotel Gary	11:36
Foley's Honey & Tar	11:39
Inland Elect.	11:40
Porter Grady	11:43
Monarch Ldry.	11:47
Calumet Storage Btty.	11:50
Lewis Porter	11:55
W. B. Mitchell	11:58
Kickels Motor Sales	12:00

Bogeau Modern—Unannounced.

F. W. Morrow, Announcer.

1506 WIBO 8-A.

Announcements Made Nov. 1, '29.

Motorcycle Mike	11:02
South Chicago News	11:04
Frank Flezno	11:18
Adams Feed and Coal	11:23
Heritage Coal & Supply	11:28
Gary Service Fuel Oil	11:32
Consumers Coal Co.	11:40
Superior Meat Co.	1:15
Walter E. Grote	1:20
Foley Honey & Tar	1:25
Acme Ice	3:15
Kickles Motor Sales	3:18
Monarch Ldry.	1:28
Lewis Porter	3:25
F. Steigerwald	3:30
Inland Electric	3:45

Glen Park Furniture 3:55
Bogeau Modern 3:58

Letters, 16.
Telephone, 93.

7-9.

Morris B. Sacks 7:05
Inland Electric 7:08
Consumers Coal 7:10

10:30-12:00.

Gouwens Auto Parts 10:32
Red Top Oil Burner 10:37
Central Broom & Specialty Co. 11:15
Fred Hawkins, Inc. 11:20
Superior Meat Pdcts. Co. 11:23
Triple H. Auto Parts Co. 11:26
F. Steigerwald & Co. 11:31
Hotel Gary 11:36
Foley's Honey & Tar 11:39
Inland Elect. 11:40
Porter Grady 11:43
Monarch Ldry. 11:47
Calumet Storage Btty. 11:50
Lewis Porter 11:55
W. B. Mitchell 11:58
Kickels Motor Sales 12:00
Bogeau Modern—Unannounced.

F. W. Morrow, Announcer.

1507 WIBO 8-A.

Announcements Nov. 2, 1929.

Frank Flezno 11:05
Heritage Coal ..... 11:08—Chicago
Gary Service Fuel 11:14
Consumers Coal ..... 11:17—Chicago
Superior Meat 11:20
Walter E. Grote 11:24
Foleys Honey ..... 11:27—Chicago
Acme Dec. 11:30

Kickles Motor	11:43	
Monarch Ldy.	11:46	—Chicago
Bogeau Modern	1:30	"
Charles Gatz	1:50	
Lewis Porter	1:35	—Chicago
F. Steigerwald	1:40	"
Boston Store	2:00	

7-9 P. M.

Emmet N. White	7:18	
Morris B. Sacks	7:33	—Chi.
Kylectron	7:38	"
Ernest W. Force	7:39	
Consumers Co.	7:54	—Chi.
De Frier	8:00	
Monarch Laundry	8:03	—Chi.
Lewis Porter Co.	8:05	"
Gouwens Auto Pts.	8:17	"
Red Top Oil B.	8:14	"
Central Specialty	8:20	"
Fred Hawkins	8:26	"
Antonsen Motors	8:30	"
Jo. J. Gowens	8:35	"
Triple H. Auto	8:38	
Hotel Gary	8:43	
Foley's Compound	8:49	—Chi.
Oliver Star	8:53	

10:30 Prog.

Lincoln Park Arms	10:35	—Chi.
Lyric Radio Prog.	10:40	
Elks' Toast	11:00	
Inland Elec. Co.	11:05	—Chi.
Porter Grady	11:08	
Monarch Laundry	11:12	—Chi.
Calumet Battery	11:15	—Chi.
Morris B. Sachs	11:18	—Chi.
Lewis Porter Furn. Co.	11:23	—Chi.
W. B. Mitchell	11:27	—Chi.
Kickels Motors	11:32	
444 St. James	11:36	—Chi.

Telephones, 109.
Letters, 9.

1508 WIBO 8-A.

Announcements Nov. 2, 1929.

Frank Flezno	11:05
Heritage Coal	11:08—Chicago
Gary Service Fuel	11:14
Consumers Coal	11:17—Chicago
Superior Meat	11:20
Walter E. Grote	11:24
Foleys Honey	11:27—Chicago
Acme Dec.	11:30
Kickles Motor	11:43
Monarch Ldy.	11:46—Chicago
Bogeau Modern	1:30 "
Charles Gatz	1:50
Lewis Porter	1:35—Chicago
F. Steigerwald	1:40 "
Boston Store	2:00

7-9 P. M.

Emmet N. White	7:18
Morris B. Sacks	7:33—Chi.
Kylectron	7:38 "
Ernest W. Force	7:39
Consumers Co.	7:54—Chi.
De Frier	8:00
Monarch Laundry	8:03—Chi.
Lewis Porter Co.	8:05 "
Gouwens Auto Pts.	8:17 "
Red Top Oil B.	8:14 "
Central Specialty	8:20 "
Fred Hawkins	8:26 "
Antonsen Motors	8:30 "
Jo. J. Gowens	8:35 "
Triple H. Auto	8:38
Hotel Gary	8:43
Foley's Compound	8:49—Chi.
Oliver Star	8:53

10:30 Prog.

Lincoln Park Arms	10:35—Chi.
Lyric Radio Prog.	10:40

Elks' Toast	11:00
Inland Elec. Co.	11:05—Chi.
Porter Grady	11:08
Monarch Laundry	11:12—Chi.
Calumet Battery	11:15—Chi.
Morris B. Sachs	11:18—Chi.
Lewis Porter Furn. Co.	11:23—Chi.
W. B. Mitchell	11:27—Chi.
Kickels Motors	11:32
444 St. James	11:36—Chi.

Telephones, 109.
Letters, 9.

1509 Docket No. 1156

EXHIBIT No. 10-A.

Hart, Dice & Carlson, Official Reporters.

Apr. 29, 1931.

Introduced at Hearing before Federal Radio Commission.

WIBO Program Log.

535.7 Meters—560 Kilocycles.

Sunday, February 1st, 1931.

A. M.
7:30—Tone Pictures—NBC.
8:00—Swedish Services.
10:00—Sign Off.
P. M.
12:30—Echoes of Orient—NBC.
12:45—Little Jack Little—NBC.
1:00—B & K Reporter.
1:05—Meditations of Man.
1:30—Copeland Smith.
2:30—Music Box.
3:00—Norwegian Hour.
4:00—WPCC.
4:30—Sign Off.
7:00—Sylvano.
7:15—Studio Program.

7:27—Weather Report.
7:30—Chase & Sanborn—NBC.
8:00—Sign Off.
12:00 Mid.—White City.
A. M.
12:15—Young.
12:30—Sylvano.
1:00—Sign Off.

1510 *WIBO Program Log.*

535.7 Meters—560 Kilocycles.

Monday, February 2d, 1931.

A. M.
6:25—Uncle John.
7:30—Forget-me-not Program.
7:45—Cream of Wheat—NBC.
8:00—Bulova Time Clock.
8:30—Vermont Lumberjacks—NBC.
8:45—A & P Gypsies—NBC.
9:00—Drug Speech—NBC.
9:15—Reading Room.
9:44—Curtiss Candy Annc.
9:45—Restoro Program.
10:00—Bulova Annc.
10:01—Tellison's Tune Parade.
10:30—News Flashes.
10:45—Around the House.
11:00—Tellison's Tune.
11:30—American Con. of Vision.
11:45—Tellison's Tune Parade.
11:58—Curtiss Candy Annc.
11:59—Bulova.
12:00 Noon—WPCC.
P. M.
12:30—News Flashes.
12:45—Hotel New Yorker—NBC.
1:00—Bulova Annc.
1:01—McCoy.
1:29—Life Insurance Play Annc.
1:30—Leo Terry.
1:45—Television.

2:00—Apartment Annc.
2:01—Television.
2:15—White City.
2:30—Chicago Serenade—NBC.
3:00—Bulova Annc.
3:01—B & K Reporter.
3:06—Swedish Annc.
3:07—Studio Program.
3:29—Curtiss Candy Annc.
3:30—Granada Program.
3:45—White City.
4:15—News Flashes.
4:30—Television.
4:59—Bulova Annc.
5:00—Sign Off.
7:00—WPCC.
7:30—McCoy.
7:45—Sylvano.
7:55—B & K Reporter.
8:00—Bulova Annc.
8:01—Studio Trio.
8:07—Young.
8:15—Television.
8:30—Swedish Program.
9:00—Young.
9:15—Life Insurance Play.
9:30—Mr. Van Gunten.
9:40—Sylvano.

1511

10:00—Bulova Annc.
10:01—Music Box.
10:29—Sodiphene Annc.
10:30—Weather Report.
10:33—Young.
11:00—Duke Ellington—NBC.
11:30—White City.
11:45—Sylvano.
12:00 Mid.—Bulova.
A. M.
12:01—McCoy.
12:15—Young.
12:30—Sylvano.
1:00—Sign Off.

1512 *WIBO Program Log.*

535.7 Meters—560 Kilocycles.

Tuesday, February 3d, 1931.

A. M.
6:25—Uncle John.
7:30—Along the C. & E. I. Trail.
7:45—Cream of Wheat—NBC.
8:00—Bulova Time Clock.
8:15—Calsodent—NBC.
8:30—Vermont Lumberjacks—NBC.
8:45—A. & P. Program—NBC.
9:00—Musical Interlude.
9:15—Reading Room.
9:44—Curtiss Candy Co. Annc.
9:45—H. J. Heinz Program—NBC.
10:00—Forecast School—NBC.
10:30—Bulova Time Signal.
10:31—Evening American News Flashes.
10:45—Around the Home.
11:00—Tellison's Tune Parade.
11:30—American Cons. Vision (Miniature Musical).
11:45—Tellison's Tune Parade.
11:58—Curtiss Candy Co. Annc.
11:59—Bulova Time Signal.
12:00 Noon—WPCC.
P. M.
12:30—News Flashes.
12:45—3 Little Maids—NBC.
1:00—Bulova Annc.
1:01—McCoy.
1:30—Leo Terry.
1:45—London Military Band—NBC.
2:00—Television.
2:15—White City.
2:30—Chicago Serenade—NBC.
3:00—Bulova Annc.
3:01—B & K Reporter.
3:06—Curtiss Candy Annc.
3:07—Studio Program.
3:30—Granada Program.

3:45—White City.
4:15—News Flashes
4:30—Television.
4:59—Bulova Annc.
5:00—Sign Off.
6:30—Phil Cook—NBC.
6:45—Edna Wallace Hopper (Hearst Sq.).
7:00—Waitt & Bond—NBC.
7:30—WPCC
8:00—Bulova Annc.
8:01—Young.
8:10—Curtiss Candy Program.
8:15—Television.
8:30—Continental Bakers—NBC.
9:00—Lucky Strike—NBC.

1513

10:00—Bulova Annc.
10:01—B & K Reporter.
10:06—Music Box.
10:30—Weather Report.
10:33—Young.
11:00—Sylvano.
11:30—White City.
11:45—Sylvano.
12:00 Mid.—Bulova Annc.
A. M.
12:01—McCoy.
12:15—Young.
12:30—Sylvano.
1:00—Sign Off.

1514 *WIBO Program Log.*

535.7 Meters—560 Kilocycles.

Wednesday, February 4th, 1931.

A. M.
6:25—Uncle John.
7:30—C & E I Program.
7:45—Cream of Wheat—NBC.
8:00—Bulova Time Clock.
8:30—Vermont Lumberjacks—NBC.
8:45—A & P Gypsies—NBC.

9:00—Libby-McNeil-Libby—NBC.
9:15—Reading Room—Stu Dawson.
9:44—Curtiss Candy Announcement.
9:45—Wildroot—NBC.
10:00—Forecast School of Cookery—NBC.
10:30—Bulova Announcement.
10:31—News Flashes.
10:45—Around the House.
11:00—Tellison's Tune Parade.
11:30—American Conservation of Vision.
11:45—Tellison's Tune Parade.
11:58—Curtiss Candy.
11:59—Bulova Announcement.
12:00 Noon—WPCC.
P. M.
12:30—News Flashes.
12:45—Three Little Jack Little—NBC.
1:00—Bulova Announcement.
1:01—McCoy's Dance Orchestra.
1:29—Leo Terry.
1:45—Television.
2:00—Television.
2:15—White City.
2:30—Radio Playlet—NBC.
3:00—Bulova Announcement.
3:01—B & K Reporter.
3:06—Curtiss Candy Announcement.
3:07—Studio Program.
3:30—Granada Program.
3:45—White City Program.
4:15—News Flashes.
4:30—Television.
4:59—Bulova Announcement.
P. M.
5:00—Sign Off.
6:30—Phil Cook—NBC.
6:45—Smith Brothers—NBC.
7:00—Jones—NBC.
7:15—RCA—NBC.
7:30—Curtiss Candy Program.
7:35—Sylvano's Dance Orchestra.
7:45—McCoy's Dance Orchestra.
8:00—Bulova Announcement.

8:01—Young's Dance Orchestra.
8:15—Television.
8:30—B & K Reporter.
8:35—Giant Finger.
9:00—Chicago Theater.
9:30—Petite Damsoel.
9:45—Sylvano's Dance Orchestra.
10:00—Bulova Announcement.
10:01—Music Box.
10:30—Weather Report.
10:33—Young's Dance Orchestra.
11:00—McCoy's Dance Orchestra.

1515

11:15—Sylvano's Dance Orchestra.
11:30—White City Dance Orchestra.
11:45—Sylvano's Dance Orchestra.
12:00 Midnight—Bulova Announcement.
A. M.
12:01—McCoy's Dance Orchestra.
12:15—Young's Dance Orchestra.
12:30—Sylvano's Dance Orchestra.
1:00—Sign Off.

1516 *WIBO Program Log.*

535.7 Meters—560 Kilocycles.

Thursday, February 5th, 1931.

A. M.
6:25—Uncle John's Program.
7:00—Uncle John's Program.
7:30—Forget-me-not Program.
7:45—Cream of Wheat—NBC.
8:00—Bulova Time Clock.
8:30—Vermont Lumber Jacks—NBC.
8:45—A & P Gypsies—NBC.
9:00—Libby, McNeil & Libby—NBC.
9:15—Reading Room—Stu Dawson.
9:44—Curtiss Candy Announcement.
9:45—Restoro Health.
10:00—Forecast School of Cookery—NBC.
10:30—Northam Warren—NBC.

10:45—Bulova Announcement.
10:46—Around the Home.
11:00—News Flashes.
11:15—Tellison's Tune Parade.
11:30—Conservation of Vision Program.
11:45—Tellison's Tune Parade.
11:58—Curtiss Candy Announcement.
11:59 Bulova Announcement.
12:00 Noon—WPCC.
P. M.
12:30—News Flashes.
12:45—Penn Luncheon—NBC.
1:00—Bulova Announcement.
1:01—Clyde McCoy's Orchestra.
1:30—Leo Terry—Organ.
1:45—Clyde McCoy's Dance Orchestra.
2:00—Television.
2:15—White City Program.
2:30—Chicago Serenade—NBC.
3:00—Bulova Announcement.
3:01—B & K Reporter.
3:06—Curtiss Candy Announcement.
3:07—Studio Program.
3:30—Granada Program.
3:45—White City Program.
4:15—News Flashes.
4:30—Television.
4:59—Bulova Announcement.
5:00—Sign Off.
P. M.
6:00—Copeland Smith League.
6:30—Phil Cook—NBC.
6:45—Jarman Shoe—NBC.
7:00—First Nighter—NBC.
7:30—Salada Tea—NBC.
8:00—Bulova Announcement.
8:01—Ernie Young.
8:15—Television.
8:30—National Sugar—NBC.
9:00—B & K Reporter.

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9:15—Real Estate Tax Payers Talk.
9:30—Red Cross Program.

10:00—Bulova Announcement.
10:01—B & K Reporter.
10:06—Music Box.
10:30—Weather Report.
10:33—Victor Young's Dance Orchestra.
11:00—Clyde McCoy's Dance Orchestra.
11:15—Sylvano's Dance Orchestra.
11:30—White City Dance Orchestra.
11:45—Sylvano's Dance Orchestra.
12:00 Mid.—Bulova Announcement.
A.M.
12:01—McCoy's Dance Orchestra.
12:15—Victor Young's Dance Orchestra.
12:30—Sylvano's Dance Orchestra.
1:00—Sign Off.

1518 *WIBO Program Log.*

535.7 Meters—560 Kilocycles.

Saturday, February 7th, 1931.

A. M.
6:25—Uncle John's Program.
7:30—Forget-me-not Program.
7:45—Cream of Wheat—NBC.
8:00—Bulova Time Clock.
8:30—Vermont Maid—NBC.
8:45—A & P Gypsies—NBC.
9:00—Musical Interlude.
9:15—Reading Room—Stu Dawson.
9:44—Curtiss Candy Program Announcement.
9:45—Tellison's Tune Parade.
10:29—Bulova Announcement.
10:30—News Flashes.
10:45—Around the Home.
11:00—Tellison's Tune Parade.
11:30—American Conservation of Vision.
11:45—Tellison's Tune Parade.
11:58—Curtiss Candy Announcement.
11:59—Bulova Announcement.
12:00 Noon—WPCC.
P. M.
12:30—News Flashes.
12:45—Lopez—NBC.

1:00—Bulova Announcement.
1:01—McCoy's Dance Orchestra.
1:30—White City Program.
1:45—Wesley Long.
2:00—Television.
2:15—White City Program.
2:30—Chicago Serenade—NBC.
3:00—Bulova Announcement.
3:01—B & K Reporter.
3:06—Curtiss Announcement.
3:07—Studio Program.
3:30—Granada Program.
3:45—White City Program.
4:15—Studio Program.
4:30—Television Program.
4:59—Bulova Announcement.
5:00—Sign Off.
7:00—Weber & Fields—NBC.
7:15—RCA Program—NBC.
7:30—Fuller Brush Program—NBC.
8:00—General Electric Announcement.
8:01—General Electric—NBC.
9:00—General Electric Announcement.
9:01—Ku Ku—NBC.
9:30—B & K Reporter.
9:35—Geo. W. Tennant, Speaker.
9:45—Clyde McCoy's Dance Orchestra.
10:00—Bulova Announcement.
10:01—Music Box.
10:30—Weather Report.

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10:33—Victor Young's Dance Orchestra.
10:45—Little Jack Little—NBC.
11:00—Clyde McCoy's Dance Orchestra.
11:15—Frank Sylvano's Dance Orchestra.
11:30—White City Dance Orchestra.
11:45—Sylvano's Dance Orchestra.
12:00 Mid.—Bulova Announcement.
A. M.
12:01—Clyde McCoy's Dance Orchestra.
12:15—Victor Young's Dance Orchestra.
12:30—Frank Sylvano's Dance Orchestra.
1:00—Sign Off.

1520 *WIBO Program Log.*

535.7 Meters—560 Kilocycles.

Sunday, February 8th, 1931.

A. M.
7:30—Tone Pictures—NBC.
8:00—Swedish Program.
10:00—Sign Off.
P. M.
12:30—Boy Scout Program—NBC.
12:45—Little Jack Little—NBC.
1:00—B & K Reporter.
1:05—Baldwin Announcement.
1:06—Meditations of Man.
1:30—Copeland Smith.
2:30—Music Box.
3:00—Norwegian Hour.
4:00—WPCC.
4:30—Sign Off.
7:00—Frank Sylvano's Dance Orchestra.
7:15—Baldwin Announcement.
7:16—Studio Program.
7:27—Weather Report.
7:30—Chase & Sanborn—NBC.
8:00—Sign Off.
A. M.
12:00—White City Dance Orchestra.
12:15—Victor Young's Dance Orchestra.
12:30—Frank Sylvano's Dance Orchestra.
1:00—Sign Off.

1521 *WIBO Program Log.*

535.7 Meters—560 Kilocycles.

Monday, February 9th, 1931.

A. M.
6:25—Uncle John's Program.
7:00—Uncle John's Program.
7:30—Forget-me-not Program.
7:45—Cream of Wheat—NBC.
8:00—Bulova Time Clock.

8:30—Vermont Maid—NBC.
8:45—A & P Program—NBC.
9:00—Drug Speech—NBC.
9:15—Reading Room—Stu Dawson.
9:44—Curtiss Candy Announcement.
9:45—Tellison's Tune Parade.
10:29—Bulova Announcement.
10:30—News Flashes.
10:45—Around the House.
11:00—Restore Health Program.
11:15—Tellison's Tune Parade.
11:30—American Conservation of Vision.
11:45—Tellison's Tune Parade.
11:58—Curtiss Candy Announcement.
11:59—Bulova Announcement.
12:00 Noon—WPCC.
P. M.
12:30—News Flashes.
12:45—Clyde McCoy's Dance Orchestra.
1:14—Bulova Announcement.
1:15—Al & Pete—NBC.
1:30—Life Ins. Play Announcement.
1:30½—Leo Terry, Organ.
1:45—McCoy's Dance Orchestra.
2:00—Television.
2:15—White City Program.
2:30—Chicago Serenade—NBC.
3:00—Bulova Announcement.
3:01—B & K Reporter.
3:06—Curtiss Candy Announcement.
3:07—Studio.
3:30—Granada Program.
3:45—White City Program.
4:15—News Flashes.
4:30—Television.
4:59—Bulova Announcement.
5:00—Sign Off.
7:00—WPCC.
7:30—McCoy's Dance Orchestra.
7:45—Sylvano's Dance Orchestra.
7:55—B & K Reporter.
8:00—Bulova Announcement.
8:01—Victor Young's Orchestra.

8:15—Giant Finger.
8:30—Sodiphene Announcement.
8:30½—Swedish Program.
9:00—Victor Young's Orchestra.
9:15—Life Insurance Play.
9:30—Bulova Announcement.
9:30½—Van Gunten Announcement.

1522

9:31—Final Heavy Weight Bout—NBC.
10:30—Weather Report.
10:33—Victor Young's Orchestra.
11:00—McCoy's Dance Orchestra.
11:15—Sylvano's Dance Orchestra.
11:30—White City Orchestra.
11:45—Sylvano's Dance Orchestra.
12:00 Mid.—Bulova Announcement.
A. M.
12:01—McCoy's Dance Orchestra.
12:15—Young's Dance Orchestra.
12:30—Sylvano's Dance Orchestra.
1:00—Sign Off.

1523 *WIBO Program Log.*

535.7 Meters—560 Kilocycles.

Tuesday, February 10th, 1931.

A. M.
6:25—Uncle John's Program.
7:00—Uncle John's Program.
7:30—Forget-me-not Program.
7:45—Cream of Wheat—NBC.
8:00—Bulova Time Clock.
8:15—Calsodent—NBC.
8:30—Vermont Maid—NBC.
8:45—A & P Gypsies—NBC.
9:00—Musical Interlude.
9:15—Reading Room—Stu Dawson.
9:44—Curtiss Announcement.
9:45—Heinz Program—NBC.
10:00—Forecast School of Cookery—NBC.
10:30—Bulova Announcement.

10:31—News Flashes.
10:45—Around the House.
11:00—Tellison's Tune Parade.
11:30—American Conservation of Vision.
11:45—Weslyn Glee Club—NBC.
11:59—Bulova Time Announcement.
Noon.
12:00—WPCC.
P. M.
12:30—News Flashes.
12:45—McCoy's Dance Orchestra.
1:14—Bulova Announcement.
1:15—Al & Pete—NBC.
1:30—Marathon Driving Announcement.
1:31—Leo Terry Organ.
1:45—International Broadcast—NBC.
2:00—Television.
2:15—White City Program.
2:30—Chicago Serenade—NBC.
3:00—Bulova Announcement.
3:01—B & K Reporter.
3:06—Curtiss Announcement.
3:07—Studio.
3:30—Granada Program.
3:45—White City Program.
4:15—News Flashes.
4:30—Guth Program Announcement.
4:31—Television.
4:59—Bulova Announcement.
5:00—Sign Off.
6:30—Phil Cook—NBC.
6:45—Curtiss Program.
6:50—McCoy's Orchestra.
7:00—Waitt & Bond—NBC.
7:30—WPCC.
8:00—Bulova Announcement.
8:01—Victor Young's Dance Orchestra.
8:15—Marathon Driving Contest Announcement.
8:16—Television.
8:25—B & K Reporter.
8:29½—Tax Announcement.
8:30—Continental Bakers—NBC.

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9:00—Lucky Strike—NBC.
10:00—Bulova Announcement.
10:01—Music Box.
10:29—Guth Candy Announcement.
10:30—Weather Report.
10:33—Victor Young's Orchestra.
11:00—Tax Announcement.
11:00½—McCoy's Dance Orchestra.
11:15—Sylvano's Dance Orchestra.
11:30—White City Dance Orchestra.
11:45—Sylvano's Dance Orchestra.
Mid.
12:00—Bulova Announcement.
A. M.
12:01—McCoy's Dance Orchestra.
12:15—Young's Dance Orchestra.
12:30—Sylvano's Dance Orchestra.
1:00—Sign Off.

1525 *WIBO Program Log.*

560 Kilocycles, 535.7 Meters.

Wednesday, February 11, 1931.

A. M.
6:30—Uncle John.
7:30—Forget-me-not Program.
7:45—Cream of Wheat—NBC.
8:00—Bulova Time Clock.
8:30—Vermont Maid—NBC.
8:45—A & P Program—NBC.
9:00—Libby McNeil Libby—NBC.
9:15—Reading Room.
9:44—Curtiss Announcement.
9:45—Wildroot—NBC.
10:00—Forecast School of Cookery—NBC.
10:30—Bulova Announcement.
10:31—Evening American News Flashes.
10:45—Around the Home.
11:00—Tellison's Tune Parade.
11:30—American Conservation of Vision Program.
11:45—Tellison.
11:59—Bulova Announcement.

P. M.
12:00—WPCC.
12:30—Evening American News Flashes (Onit) Erskine Lunch—NBC.
12:45—Same.
1:00—Bulova Announcement.
1:01—Evening American News Flashes.
1:15—Clyde McCoy.
1:30—Studio.
1:45—Melody Three—NBC.
2:00—Studio—Television.
2:15—White City.
2:30—Radio Playlet—NBC.
3:00—Bulova Announcement.
3:01—Publix Theatre Reporter.
3:06—Curtiss Announcement.
3:07—Studio.
3:30—Granada Golf Program.
3:45—White City.
3:15—Evening American News Flashes.
4:30—Studio—Television.
4:59—Bulova Announcement.
5:00—Sign Off.
6:30—Phil Cook—NBC.
6:45—Smith Brothers—NBC.
7:00—Golf Chats with Bobby Jones—NBC.
7:15—RCA Program—NBC.
7:30—Guth Program.
7:45—Bulova Announcement.
7:46—Mr. Pratt—Tax Talks.
8:00—Fair Announcement.
8:01—Victor Young.
8:15—Curtiss Program.
8:20—Studio.
8:25—Publix Theatre Reporter.
8:30—Fair Announcement.
8:31—Giant Finger of the Air.
9:00—Sodiphene Announcement.
9:01—Chicago Theatre Program.
9:30—Fair Announcement.
9:31—Petit Damoselle.
9:45—Varicose Vein Announcement.
9:46—Frank Sylvano.

10:00—Fair Announcement.
10:01—The Music Box.
10:15—Modern Maidens.

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10:29—Bulova Announcement.
10:30—Weather Report.
10:33—Art Kassel (Correction—Victor Young).
10:59—Fair Announcement.
11:00—Clyde McCoy.
11:15—Frank Sylvano.
11:30—White City.
11:44—Fair Announcement.
11:45—Frank Sylvano.
12:00—Bulova Announcement.
12:01—Clyde McCoy.
12:15—Victor Young.
12:30—Frank Sylvano.
1:00—Sign Off.

1527 *WIBO Program Log.*

560 Kilocycles, 535.7 Meters.

Thursday, February 12, 1931.

A. M.
6:30—Uncle John and his Family.
7:30—Forget-me-not Program.
7:45—Cream of Wheat—NBC.
8:00—Bulova Time Clock.
8:30—Vermont Maid—NBC.
8:45—A & P Program—NBC.
9:00—International Broadcast—NBC.
11:19—Evening American News Flashes.
11:30—American Conservation of Vision Program.
11:45—Tellison's Tune Parade.
11:58—Curtiss Announcement.
11:59—Bulova Announcement.
P. M.
12:00—WPCC.
12:30—Annual Celebration of Lincoln's Birthday—NBC.
1:30—Bulova Announcement.
1:31—Leo Terry at the Granada Theatre Organ.

1:45—Clyde McCoy.
2:00—Studio—Television.
2:15—White City.
2:30—Chicago Serenade—NBC.
3:00—Bulova Announcement.
3:01—Publix Theatre Reporter.
3:06—Curtiss Announcement.
3:07—Studio.
3:29—Baldwin Announcement.
3:30—Granada Program.
3:45—White City.
4:15—Evening American News Flashes.
4:30—Studio—Television.
4:59—Bulova Announcement.
5:00—Sign Off.
6:00—Copeland Smith League.
6:30—Phil Cook—NBC.
6:45—Jarman Shoe Program—NBC.
7:00—The First Nighter—NBC.
7:30—Salada Salon Orchestra—NBC.
8:00—Bulova Announcement.
8:01—Victor Young.
8:15—Guth Announcement.
8:16—Television.
8:25—Publix Theatre Reporter.
8:30—National Sugar—NBC.
9:00—Hoover Address—NBC.
9:30—Red Cross Program Announcement.
9:31—Publix Reporter's Program.
9:45—Victor Young.
10:00—Bulova Announcement.
10:01—Music Box.
10:29—Curtiss Announcement.
10:30—Weather Report.
10:33—Victor Young.
11:00—Clyde McCoy.
11:15—Frank Sylvano.
11:30—White City.
11:45—Frank Sylvano.
12:00—Bulova Announcement.
12:01—Clyde McCoy.
12:15—Victor Young.

12:30—Frank Sylvano.
1:00—Sign Off.

1528 *WIBO Program Log.*

560 Kilocycles, 535.7 Meters.

Friday, February 13, 1931.

A. M.
6:25—Uncle John.
7:30—Forget-me-not Program.
7:45—Cream of Wheat—NBC.
8:00—Bulova Time Clock.
8:30—Vermont Maid—NBC.
8:45—A & P Program—NBC.
9:00—Libby McNeil Libby—NBC.
9:15—Reading Room.
9:44—Curtiss Candy Announcement.
9:45—H. J. Heinz Program—NBC.
10:00—Bulova Announcement.
10:01—Musical Appreciation—NBC.
10:45—Around the Home.
11:00—Tellison.
11:30—American Conservation of Vision.
11:45—Tellison.
11:59—Bulova Announcement.
P. M.
12:00—WPCC.
12:30—Evening American News Flashes.
12:45—Clyde McCoy.
1:14—Bulova Announcement.
1:15—Al & Pete—NBC.
1:30—Wesley Long.
1:45—Leo Terry.
2:00—Wesley Long.
2:15—White City.
2:30—Philharmonic Orchestra—NBC.
3:00—Bulova Announcement.
3:01—Publix Theatre Reporter.
3:06—Curtiss Program.
3:13—Studio.
3:30—Granada Program.
3:45—White City.

4:10—Speaker.
4:15—Evening American News Flashes.
4:30—Moore Paint Company—NBC.
4:45—Studio—Television.
4:59—Bulova Announcement.
5:00—Sign Off.
6:00—Chicago Theatre.
6:15—Little Things in Life—NBC.
6:30—Phil Cook—NBC.
6:45—Brownbilt Program—NBC.
7:00—The Nestle Chocolateers—NBC.
7:30—Bulova Announcement.
7:31—David Jackson.
7:45—Craddock Terry—NBC.
8:00—Clicquot Club—NBC.
8:30—Guth Program.
8:45—Musical Program.
9:00—Varicose Announcement.
9:01—Publix Theatre Reporter's Program.
9:15—Victor Young.
9:29—Sodiphene Announcement.
9:30—RKO Program—NBC.
10:00—Bulova Announcement.
10:01—Duke Ellington (Oriental Theatre).
10:30—Weather Report.
10:33—Victor Young.
11:00—Clyde McCoy.
11:15—Frank Sylvano.
11:30—White City Ballroom.
11:45—Frank Sylvano.
12:00—Bulova Announcement.
12:01—Clyde McCoy.
12:15—Victor Young.
12:30—Frank Sylvano.
1:00—Sign Off.

1529 *WIBO Program Log.*

560 Kilocycles, 535.7 Meters.

Saturday, February 14th, 1931.

A. M.
6:25—Uncle John.
7:30—Forget-me-not Program.

7:45—Cream of Wheat—NBC.
8:00—Bulova March of Time.
8:30—Vermont Maid—NBC.
8:45—A & P Program—NBC.
9:00—Musical Interlude.
9:15—Reading Room.
9:44—Curtiss Announcement.
9:45—Tellison.
10:29—Bulova Announcement.
10:30—Evening American News Flashes.
10:45—Around the Home.
11:00—Tellison.
11:30—American Conservation of Vision Program.
11:45—Tellison.
11:58—Curtiss Announcement.
11:59—Bulova Announcement.
P. M.
12:00—WPCC.
12:30—Evening American News Flashes.
12:45—Vincente Lopez—NBC.
1:00—Bulova Announcement.
1:01—Clyde McCoy.
1:30—White City.
1:45—Wesley Long.
2:00—Studio—Television.
2:15—White City.
2:30—Chicago Serenade—NBC.
3:00—Bulova Announcement.
3:01—Publix Theatre Reporter.
3:06—Curtiss Announcement.
3:07—Studio.
3:30—Granada Golf Program.
3:45—White City.
4:15—Studio.
4:29—Baldwin Announcement.
4:30—Studio—Television.
4:59—Bulova Announcement.
5:00—Sign Off.
7:00—Weber & Fields—NBC.
7:15—RCA Radiotrons—NBC.
7:30—The Fuller Brush Man—NBC.
8:00—General Electric Announcement.
8:01—General Electric Program—NBC.

9:00—General Electric Announcement.
9:01—Ku Ku Program—NBC.
9:30—Publix Theatre Reporter.
9:35—Frank Sylvano.
9:45—Clyde McCoy.
10:00—Bulova Announcement.
10:01—The Music Box.
10:30—Weather Report.
10:33—Victor Young.
10:45—Drama League—NBC.
11:30—W*g*ite City.
11:45—Young.
A. M.
12:00—Bulova Announcement.
12:01—Clyde McCoy.
12:15—Victor Young.
12:30—Frank Sylvano.
1:00—Sign Off.

1530 *WIBO Program Log.*

560 Kilocycles, 535.7 Meters.

Sunday, February 15, 1931.

A. M.
7:30—Tone Pictures—NBC.
8:00—Swedish Religious Services.
10:00—Sign Off.
P. M.
12:30—Little Jack Little—NBC.
12:45—Dragman & Rybner—NBC.
1:00—Publix Theatre Reporter.
1:05—Meditations of Man.
1:30—Copeland Smith League.
2:30—Music Box.
3:00—Norwegian Hour.
4:00—WPCC.
4:30—Sign Off.
7:00—Frank Sylvano.
7:15—Baldwin Piano Announcement.
7:16—Studio Program.
7:27—Weather Report.
7:30—Chase & Sanborn Program—NBC.
8:00—Sign Off.

A. M.
12:00—White City.
12:15—Victor Young.
12:30—Frank Sylvano.
1:00—Sign Off.

1531 *WIBO Program Log.*

560 Kilocycles, 535.7 Meters.

Monday, February 16, 1931.

A. M.
6:25—Uncle John.
7:30—Forget-me-not Program.
7:45—Cream of Wheat—NBC.
8:00—Bulova Time Clock.
8:30—Vermont Maid—NBC.
8:45—A & P Program—NBC.
9:00—Drug Program—NBC.
9:15—Reading Room.
9:44—Curtiss Announcement.
9:45—Bulova Announcement.
9:46—Tellison.
10:30—Evening American News Flashes.
10:45—Around the Home.
11:00—Tellison.
11:58—Curtiss Announcement.
11:59—Bulova Announcement.
P. M.
12:00—WPCC.
12:30—Evening American News Flashes.
12:45—Clyde McCoy.
1:00—Bulova Announcement.
1:15—Al & Pete—NBC.
1:30—Leo Terry.
1:45—Clyde McCoy.
2:00—Studio—Television.
2:15—White City.
2:30—Chicago Serenaders—NBC.
3:00—Bulova Announcement.
3:01—Publix Theatre Reporter.
3:06—Curtiss Announcement.
3:07—Studio.

3:30—Granada.
3:45—White City.
4:15—Evening American News Flashes.
4:30—Studio—Television.
4:45—Bulova Announcement.
4:46—Sign Off.
7:00—NPCC.
7:30—Bulova Announcement.
7:31—Clyde McCoy.
7:45—Frank Sylvano.
7:55—Publix Theatre Reporter.
8:00—Varicose Announcement.
8:01—Victor Young.
8:15—Walgreen Announcement.
8:16—Maurie Rice.
8:30—Sodiphene Announcement.
8:31—Swedish Program.
9:00—Victor Young.
9:15—Life Insurance Play.
9:30—Non Stop Driving Announcement.
9:31—Bulova Announcement.
9:32—Orlando Van Gunten.
9:40—Frank Sylvano.
10:00—Bulova Announcement.
10:01—Music Box.
10:15—Modern Maidens.
10:30—Weather Report.
10:33—Victor Young.
11:00—Chicago Radio Weekly Announcement.
11:01—Clyde McCoy.
11:15—Frank Sylvano.
11:30—White City.
11:45—Chicago Radio Weekly Announcement.

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11:46—Frank Sylvano.
12:00—Bulova Time Signal.
12:01—Clyde McCoy.
12:15—Victor Young.
12:26—White City.
12:30—Frank Sylvano.
1:00—Sign Off.

1533 *WIBO Program Log.*

560 Kilocycles, 535.7 Meters.

Tuesday, February 17, 1931.

A. M.
6:25—Uncle John.
7:30—Forget-me-not Program.
7:45—Cream of Wheat—NBC.
8:00—Bulova Time Clock.
8:15—Calsodent—NBC.
8:30—Vermont Maid—NBC.
8:45—A & P Program—NBC.
9:00—Musical Interlude.
9:15—Reading Room.
9:44—Curtiss Candy Announcement.
9:45—Heinz Program—NBC.
10:00—Forecast School of Cookery—NBC.
10:30—Bulova Announcement.
10:31—Evening American News Flashes.
10:45—Around the Home.
11:00—Tellison.
11:30—American Conservation of Vision.
11:45—Tellison.
11:58—Curtiss Announcement..
11:59—Bulova Announcement.
P. M.
12:00—WPCC.
12:30—Evening American News Flashes.
12:45—Clyde McCoy.
1:00—Bulova Announcement.
1:15—Al & Pete—NBC.
1:30—Leo Terry.
1:45—Studio—Television.
2:00—Music in the Air—NBC.
2:15—White City.
2:30—Chicago Serenaders—NBC.
3:00—Bulova Announcement.
3:01—Publix Theatre Reporter.
3:06—Curtiss Announcement.
3:07—Studio.
3:30—Granada Golf Program.
3:45—White City.

4:15—Evening American News Flashes.
4:40—Studio—Television.
4:59—Bulova Announcement.
5:00—Sign Off.
6:30—Phil Cook—NBC.
6:45—Curtiss (Announcement) Program.
6:50—Speaker.
7:00—Waitt & Bond—NBC.
7:15—Judge Lyle.
7:30—WPCC.
8:00—Bulova Announcement.
8:01—Victor Young.
8:15—Judge Lyle Ann.
8:16—Studio—Television.
8:24—Publix Theatre Reporter.
8:29—Guth Candy Announcement.
8:30—Continental Bakers—NBC.
9:00—Lucky Strike—NBC.
10:00—Bulova Announcement.
10:01—Oriental Theatre Program.
10:30—Weather Report.
10:33—Victor Young.
11:00—Clyde McCoy.
11:14—Chicago Radio Weekly Announcement.
11:15—Frank Sylvano.
11:30—White City.
11:45—Frank Sylvano.
12:00—Bulova Announcement.
12:01—Clyde McCoy.
12:15—Victor Young.
12:30—Frank Sylvano.
1:00—Sign Off.

1534 *WIBO Program Log.*

535.7 Meters, 560 Kilocycles.

Wed., Feb. 18, 1931.

A. M.
6:25—Uncle John.
7:00—Uncle John.
7:30—Forget-me-not.
7:45—Cream of Wheat.
8:00—Bulova Time Clock.

8:30—Vermont Maid.
8:45—A & P.
9:00—Libby McNeill.
9:15—Reading Room.
9:44—Curtiss Annc.
9:45—Wildroot A.
10:00—Forecast School.
10:30—Bulova Annc.
10:31—News Flashes.
10:45—Around the House.
11:00—Tellison's Tune.
11:15—Varicose Annc.
11:30—Amer. Con. of Vision.
11:45—Tellison's.
11:58—Curtiss Annc.
11:59—Bulova Annc.
P. M.
12:00—WPCC.
12:30—News Flashes.
12:45—Little Jack Little.
1:00—McCoy.
1:15—Al & Pete.
1:30—Bulova Annc.
1:31—Leo Terry.
1:45—McCoy.
2:00—Television.
2:15—White City.
2:30—Radio Playhouse.
3:00—Bulova Annc.
3:01—B & K Reporter.
3:06—Curtiss Annc.
3:07—Studio.
3:29—Bob MacDonald Annc.
3:30—Granada.
3:45—White City.
3:46—Studio Orch.
4:15—Radio Weekly Annc.
4:15—News Flashes.
4:30—Television.
4:58—Radio Weekly Annc.
4:59—Bulova Annc.
5:00—Sign Off.
6:30—Phil Cook.

6:45—Smith Bros.
7:00—Jones Listerine.
7:15—RCA.
7:30—Guth's Prog.
7:45—Judge Lyle.
8:00—Bob Spellman Annc.
8:01—Bulova Annc.
8:02—Young.

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8:15—Walgreen Annc.
8:16—Curtiss Prog.
8:21—Studio.
8:24—Baldwin Annc.
8:25—B & K Reporter.
8:30—Sodiphene Annc.
8:30½—Giant Finger.
8:59—Radio Weekly Annc.
9:00—Amer. Con. of Vision.
9:45—Hub.
9:46—Wrestling Match.
10:15—Modern Maidens Annc.
10:30—Weather Report.
10:33—Young.
11:00—Bulova Annc.
11:01—McCoy.
11:15—Sylvano Dance Orchestra.
11:30—White City.
11:45—Sylvano Dance Orchestra.
12:00—Bulova Annc.
12:01—McCoy.
12:15—Young.
12:30—Sylvano Dance Orchestra.
1:00—Sign Off.

1536 *WIBO Program Log.*

560 Kilocycles, 535.7 Meters.

Thursday, February 19th, 1931.

A. M.
6:25—Uncle John.
7:30—Forget-me-not Program.
7:45—Cream of Wheat—NBC.

8:00—Bulova March of Time.
8:30—Vermont Maid—NBC.
8:45—A & P Program—NBC.
9:00—Libby McNeil Libby—NBC.
9:15—Swift & Company—NBC.
9:30—Curtiss Announcement.
9:31—Reading Room.
9:59—Bulova Announcement.
10:00—Forecast School of Cookery—NBC.
10:30—Northam Warren Program—NBC.
10:45—Around the Home.
11:00—Evening American News Flashes.
11:15—Tellison's Tune Parade.
11:30—American Conservation of Vision Program.
11:45—Tellison.
11:58—Curtiss Announcement.
P. M.
12:00—WPCC.
12:30—Evening American News Flashes.
12:45—Bulova Announcement.
12:46—Clyde McCoy.
1:15—Al & Pete—NBC.
1:30—Leo Terry at the Granada Theatre Organ.
1:45—International Broadcast—NBC.
2:00—Television.
2:15—White City.
2:29—Chicago Radio Weekly Announcement.
2:30—Chicago Serenaders—NBC.
3:00—Bulova Time Signal.
3:01—Publix Theatre Reporter.
3:06—Curtiss Announcement.
3:07—Studio.
3:15—Bulova Announcement.
3:16—Granada Program.
3:45—Guth Announcement.
3:45½—White City.
4:15—Guth Announcement.
4:15½—Evening American News Flashes.
4:30—Chicago Radio Weekly Announcement.
4:31—Studio—Television.
4:59—Bulova Announcement.
5:00—Sign Off.

6:00—Copeland Smith League.
6:30—Phil Cook—NBC.
6:45—Jarman Shoe Company—NBC.
7:00—The First Nighter—NBC.
7:30—Salada Tea Company Program—NBC.
8:00—Bulova Announcement.
8:01—Victor Young's Orchestra.
8:15—Hub Announcement.
8:16—Frank Sylvano's Orch.
8:23—Spellman Announcement.
8:25—Publix Theatre Reporter.
8:29—Dasheill Announcement.
8:30—National Sugar Program—NBC.
9:00—Guth Announcement.
9:00½ Red Cross Program.
9:30—Hub Announcement.
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9:30½—Publix Theatre Reporter.
9:45—Missing Person Announcement.
9:45—Victor Young.
10:00—Bulova Announcement.
10:01—Music Box.
10:30—Weather Report.
10:33—Victor Young.
11:00—Clyde McCoy.
11:15—Radio Weekly Announcement.
11:16—Frank Sylvano.
11:29—Missing Person Announcement.
11:30—White City.
11:45—Frank Sylvano.
A. M.
12:00—Bulova Announcement.
12:01—Clyde McCoy.
12:15—Victor Young.
12:30—Frank Sylvano.
1:00—Sign Off.

1538 *WIBO Program Log.*

560 Kilocycles, 535.7 Meters.

Friday, February 20, 1931.

A. M.
6:25—Uncle John and his Family.
7:30—Forget-me-not Program.

7:45—Cream of Wheat—NBC.
8:00—Bulova Time Clock.
8:30—Vermont Maid—NBC.
8:45—A & P Program—NBC.
9:00—Libby McNeil Libby—NBC.
9:15—Reading Room.
9:45—Heinz Program—NBC.
10:00—Musical Appreciation—NBC.
10:45—Bulova Announcement.
10:46—What's Good in Your Cupboard.
11:00—Evening American News Flashes.
11:15—Tellison's Tune Parade.
11:30—Missing Person Ann. (Continuing Tellison)
11:58—Curtiss Announcement.
11:59—Bulova Announcement.
11:59—Bulova Announcement.

P. M.

12:00—WPCC.
12:30—Evening American News Flashes.
12:45—Clyde McCoy.
1:14—Bulova Announcement.
1:15—Al & Pete—NBC.
1:30—Clyde McCoy.
1:44—Chicago-Radio Weekly Announcement.
1:45—Eddie House at the Granada Theatre Organ.
2:00—Bridge Lesson.
2:15—White City.
2:30—Studio—Television.
2:45—Chicago Serenaders—NBC.
3:00—Bulova Announcement.
3:01—Publix Theatre Reporter.
3:06—Studio.
3:10—Curtiss Program.
3:15—Studio.
3:29—Chicago Radio Weekly Announcement.
3:30—Studio.
3:45—White City.
4:15—Chicago Evening American News Flashes.
4:30—Moore Paint Company—NBC.
4:45—Studio—Television.
4:59—Bulova Announcement.
5:00—Sign Off.
6:00—Chicago Theatre.

6:14—Vericose Vein Announcement.
6:15—Little Things in Life—NBC.
6:25—Publix Theatre Reporter.
6:30—Phil Cook—NBC.
6:45—Brownbilt—NBC.
7:00—Nestle's Chocolateers—NBC.
7:15—Speech by Judge Lyle.
7:30—Bulova Announcement.
7:31—David Jackson—Securities talk.
7:45—Craddock Terry Program—NBC.
8:00—Clicquot Club—NBC.
8:30—Guth Program.
8:45—Dodge Duo.
9:00—Campbell Program.
9:29—Walgreen Announcement.
9:30—R K O Program—NBC.
10:00—Bulova Announcement.
10:01—Studio.
10:14—Sodiphene Announcement.

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10:15—Modern Maidens—skit.
10:30—Weather Report.
10:33—Victor Young.
11:00—Clyde McCoy.
11:15—Frank Sylvano.
11:30—White City.
11:45—Frank Sylvano.
A. M.
12:00—Bulova Announcement.
12:01—Clude McCoy.
12:15—Victor Young.
12:30—Frank Sylvano.
1:00—Sign Off.

1540 *Program Log for WIBO.*

560 Kilocycles, 535.7 Meters.

Saturday, February 21, 1931.

A. M.
6:25—Uncle John and his Family.
7:30—Forget-me-not Program.
7:45—Cream of Wheat—NBC.
8:00—Bulova Time Clock.

8:30—Vermont Maid—NBC.
8:45—A. & P. Program—NBC.
9:00—Musical Interlude.
9:15—Reading Room.
9:44—Curtiss Announcement.
9:45—Tellison's Tune Parade.
10:30—Evening American News Flashes.
10:45—Bulova Announcement.
10:46—Around the Home.
11:00—Tellison's Tune Parade.
11:30—American Conservation of Vision Program.
11:45—Tellison.
11:58—Curtiss Announcement.
P. M.
12:00—WPCC.
12:30—Evening American News Flashes.
12:45—Vincente Lopez—NBC.
1:00—Bulova Announcement.
1:01—Clude McCoy.
1:15—Blue Blazers—NBC.
1:30—Clyde McCoy.
2:00—Studio—Television.
2:15—White City.
2:30—Chicago Serenaders—NBC.
3:00—Bulova Announcement.
3:01—Publix Theatre Reporter.
3:06—Curtiss Candy Company Announcement.
3:07—Studio.
3:29—Chicago Radio Weekly Ann.
3:30—Studio.
3:45—White City.
4:15—Studio.
4:30—Studio—Television.
4:59—Bulova Announcement.
5:00—Sign Off.
7:00—Weber & Fields—NBC.
7:15—RCA. Radiotrons—NBC.
7:30—The Fuller Brush Man—NBC.
8:00—General Electric Announcement.
8:01—General Electric Program—NBC.
9:00—General Electric Announcement.
9:01—Ku Ku—NBC.
9:30—Rudy Vallee from the Chicago Theatre.

9:50—Clyde McCoy.
10:00—Bulova Announcement.
10:01—Publix Theatre Reporter.
10:06—The Music Box.
10:30—Weather Report.
10:33—Victor Young.
10:45—Little Jack Little—NBC.
11:00—Clyde McCoy.
11:15—Frank Sylvano.
11:30—White City.
11:45—Frank Sylvano.
12:00—Bulova Announcement.
A. M.
12:01—Clyde McCoy.
12:15—Victor Young.
12:30—Frank Sylvano.
1:00—Sign Off.

1541 *WIBO Program Log.*

560 Kilocycles, 535.7 Meters.

Sunday, February 22, 1931.

A. M.
7:30—Tone Pictures—NBC.
8:00—Swedish Religious Services.
10:00—Sign Off.
P. M.
12:30—Little Jack Little—NBC.
12:45—Barclay Rybner—NBC.
1:00—Publix Theatre Reporter.
1:05—Meditations of Man.
1:30—Copeland Smith League.
2:30—The Music Box.
3:00—Norwegian Hour—Religious Services.
4:00—WPCC.
4:30—Sign Off.
7:00—Lyle Speech.
7:15—Bulova Announcement.
7:16—Studio.
7:27—Weather Report.
7:30—Chase & Sanborn Program—NBC.
8:00—Sign Off.
A. M.
12:00—Bulova Announcement.
12:01—Victor Young.

12:15—White City.
12:30—Frank Sylvano.
1:00—Sign Off.

1542 *WIBO Program Log.*

560 Kilocycles, 535.7 Meters.

Monday, February 23, 1931.

A. M.
6:25—Uncle John and his Family.
7:30—Forget-me-not Program.
7:45—Cream of Wheat—NBC.
8:00—Bulova Time Clock.
8:30—Vermont Maid—NBC.
8:45—A. & P. Program—NBC.
9:00—Drug Speech—NBC.
9:15—Reading Room.
9:44—Curtiss Announcement.
9:45—Tellison's Tune Parade.
10:00—Bulova Announcement.
10:01—Tellision.
10:30—Evening American News Flashes.
10:45—Around the Home.
11:00—Tellison's Tune Parade.
11:58—Curtiss Announcement.
11:59—Bulova Announcement.
P. M.
12:00—WPCC.
12:30—Evening American News Flashes.
12:45—Clyde McCoy's Orch.
1:15—Al & Pete—NBC.
1:30—Eddie House—Granada Theatre Organ.
1:45—Bulova Announcement.
1:46—Clyde McCoy.
2:00—Studio—Television.
2:15—White City.
2:30—Chicago Serenade—NBC.
3:00—Real Silk Program.
3:15—Bulova Announcement.
3:16—Studio Program.
3:25—Publix Theatre Reporter.
3:30—Giant Finger of the Air.
4:00—White City.
4:15—Evening American News Flashes.

4:30—Studio Television.
4:59—Bulova Announcement.
5:00—Sign Off.
7:00—WPC.
7:15—NBC Chain Program.
7:30—WPCC.
7:45—Lyle Speaker.
8:00—Dodge Announcement.
8:01—Victor Young.
8:10—Hearst Square Speaker.
8:15—Bulova Announcement.
8:16—Studio—Television.
8:25—Publix Theatre Reporter.
8:30—Sodiphene Announcement.
8:30½—Swedish Program.
9:00—Victor Young.
9:14—Varicose Vein Announcement.
9:15—Life Insurance True Story Drama.
9:30—Orlando Van Gunten—World's Fair talk.
9:40—Frank Sylvano.
10:00—Bulova Announcement.
10:01—The Music Box.
10:15—Modern Maidens—skit.
10:30—Weather Report.
10:33—Victor Young.
11:00—Clyde McCoy.
11:15—Frank Sylvano.

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11:30—White City.
1:45—Frank Sylvano.
12:00—Bulova Announcement.
A. M.
12:01—Clyde McCoy.
12:15—Victor Young.
12:30—Frank Sylvano.
1:00—Sign Off.

1544 *WIBO Program Log.*

560 Kilocycles, 535.7 Meters.

Tuesday, February 24, 1931.

A. M.
6:25—Uncle John and his Family.
7:30—Forget-me-not Program.

7:45—Cream of Wheat—NBC.
8:00—Bulova Time Clock.
8:15—Calsodent Program—NBC.
8:30—Vermont Maid—NBC.
8:45—A & P Program—NBC.
9:00—Musical Interlude.
9:15—Reading Room.
9:44—Bulova Announcement.
9:45—H. J. Heinz Program—NBC.
10:00—Forecast School of Cookery—NBC.
10:30—Evening American News Flashes.
10:45—Around the Home.
11:00—Tellison's Tune Parade.
11:30—American Conservation of Vision Program.
11:45—Tellison's Tune Parade.
11:59—Bulova Announcement.
P. M.
12:00—WPCC.
12:30—Evening American News Flashes.
12:45—Bulova Announcement.
12:46—Clyde McCoy.
1:15—Al & Pete—NBC.
1:30—The Bat Whispers—Announcement.
1:31—NBC Feature.
2:00—Bridge Program.
2:15—White City.
2:30—Chicago Serenade—NBC.
3:00—The Realsilkers.
3:15—Bulova Announcement.
3:16—Studio.
3:25—Publix Theatre Reporter.
3:30—Ford Announcement.
3:31—Studio Program.
3:45—White City.
4:15—Evening American News Flashes.
4:30—Uptown Announcement.
4:30½—Studio—Television.
4:59—Bulova Announcement.
5:00—Sign Off.
6:30—Phil Cook—NBC.
6:45—Curtiss Program.
6:50—Speaker from Hearst Square.
7:00—Waitt & Bond—NBC.

7:30—WPCC.
8:00—Bulova Announcement.
8:01—Victor Young.
8:12—Election Returns.
8:17—Frank Sylvano.
8:24—Ford Announcement.
8:25—Publix Theatre Reporter.
8:30—Continental Bakers—NBC.
9:00—Lucky Strike Dance Orchestra—NBC.
10:00—Bulova Announcement.
10:01—Uptown Theatre Broadcast.
10:30—Weather Report.
10:33—Victor Young.
11:00—Clyde McCoy.
11:15—Frank Sylvano.

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11:30—White City.
11:45—Frank Sylvano.
A. M.
12:00—Bulova Announcement.
12:01—Clyde McCoy.
12:15—Victor Young.
12:30—Frank Sylvano.
1:00—Sign Off.

1546 *WIBO Program Log.*

560 Kilocycles, 535.7 Meters.

Wednesday, February 25, 1931.

A. M.
6:25—Uncle John and his Family.
7:30—Forget-me-not Program.
7:45—Cream of Wheat—NBC.
8:00—Bulova Time Clock.
8:30—Vermont Maid—NBC.
8:45—A. & P. Program—NBC.
9:00—Libby McNeil Libby—NBC.
9:15—Reading Room.
9:44—Curtiss Announcement.
9:45—Wildroot—NBC.
10:00—Forecast School of Cookery—NBC.
10:30—Evening American News Flashes.
10:45—Around the Home.

11:00—Bulova Announcement.
11:01—Tellison's Tune Parade.
11:58—Curtiss Announcement.
11:59—Bulova Announcement.
P. M.
12:00—WPCC.
12:30—Evening American News Flashes.
12:45—Little Jack Little—NBC.
1:00—Bulova Announcement.
1:01—Clyde McCoy.
1:15—Al & Pete—NBC.
1:30—Eddie House at the Granada Theatre Organ.
1:45—Clyde McCoy.
2:00—Studio—Television.
2:15—White City.
2:30—Radio Playhouse—NBC.
3:00—The Realsilkers.
3:15—Bulova Announcement.
3:15—Studio.
3:24—Curtiss Announcement.
3:25—Publix Theatre Reporter.
3:30—Ford Announcement.
3:31—National Educational Bureau—NBC.
4:00—White City.
4:15—Evening American News Flashes.
4:30—Studio—Television.
4:59—Bulova Announcement.
5:00—Sign Off.
6:30—Phil Cook—NBC.
6:45—Smith Brothers—NBC.
7:00—Golf Chats with Bobby Jones—NBC.
7:15—R. C. A. Radiotrons—NBC.
7:30—Curtiss Program.
7:35—Clyde McCoy.
7:44—Varicose Announcement.
7:45—Mr. Pratt—Tax Talks.
8:00—Art Kassel.
8:29—Bulova Announcement.
8:30—Dodge Duo.
8:45—Publix Theatre Reporter.
8:50—Studio.
8:59—Sodiphene Announcement.
9:00—Chicago Theatre Program.

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9:30—Dainty Damoselle.
9:45—Frank Sylvano.
10:00—Bulova Announcement.
10:01—The Music Box.
10:15—Modern Maiden.
10:30—Weather Report.
10:33—Art Kassel.
11:00—Clyde McCoy.
11:15—Frank Sylvano.
11:30—White City.
9:45—Frank Sylvano.
A. M.
12:00—Bulova Announcement.
12:01—Clyde McCoy.
12:15—Art Kassel.
12:30—Sylvano.
1:00—Sign Off.

1548 *WIBO Program Log.*

560 Kilocycles, 535.7 Meters.

Thursday, February 26, 1931.

A. M.
6:25—Uncle John.
7:30—Forget-me-not Program.
7:45—Cream of Wheat—NBC.
8:00—Bulova Time Clock.
8:30—Vermont Maid—NBC.
8:45—A. & P. Program—NBC.
9:00—Libby McNeil Libby—NBC.
9:15—Swift & Company—NBC.
9:30—Reading Room.
10:00—Forecast School of Cookery—NBC.
10:30—Northam Warren—NBC.
10:45—Bulova Announcement.
10:46—Around the Home.
11:00—Evening American News Flashes.
11:15—Tellison's Tune Parade.
11:30—American Conservation of Vision Program.
11:45—Tellison.
11:59—Bulova Announcement.

P. M.
12:00—WPCC.
12:30—Evening American News Flashes.
12:45—Clyde McCoy.
1:00—Bat Whispers Announcement.
1:01—Clyde McCoy.
1:30—Eddie House from the Granada Theatre.
1:45—Clyde McCoy.
2:00—Studio—Television.
2:15—White City.
2:29½—Dasheill Announcement.
2:30—Chicago Serenade—NBC.
3:00—Realsilkers.
3:15—Bulova Announcement.
3:16—White City.
3:25—Publix Theatre Reporter.
3:30—Ford Announcement.
3:31—Studio.
3:59—Bulova.
4:00—White City.
4:15—Evening American News Flashes.
4:30—Studio—Television.
4:59—Bulova Announcement.
5:00—Sig*h* Off.
6:00—Copeland Smith League.
6:30—Phil Cook—NBC.
6:45—Jarman Shoe Program—NBC.
7:00—The First Nighter—NBC.
7:30—Salada Salon Orchestra—NBC.
8:00—Dasheill Announcement.
8:01—Art Kassel.
8:14—Bulova Announcement.
8:15—Guth Program.
8:30—National Sugar—NBC.
9:00—The Realsilkers.
9:30—Publix Theatre Reporter Program.
9:45—Frank Sylvano.
10:00—Bulova Announcement.
10:01—Publix Theatre Reporter.
10:06—The Music.
10:30—Weather Report.
10:33—Art Kassel.

11:00—Clyde McCoy.
11:15—Frank Sylvano.

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11:30—White City .
11:45—Frank Sylvano.
12:00—Bulova Announcement.
12:01—Clyde McCoy.
12:15—Art Kassel.
12:30—Frank Sylvano.
1:00—Sign Off.

1550 *WIBO Program Log.*

560 Kilocycles, 535.7 Meters.

Friday, February 27, 1931.

A. M.
6:25—Uncle John.
7:30—Forget-me-not Program.
7:45—Cream of Wheat—NBC.
8:00—Bulova Time Clock.
8:30—Vermont Maid—NBC.
8:45—A. & P. Program—NBC.
9:00—Libby McNeil Libby—NBC.
9:15—Reading Room.
9:45—H. J. Heinz—NBC.
9:46—Around the Home.
10:00—Musical Appreciation—NBC.
10:45—Bulova Announcement.
11:00—Evening American News Flashes.
11:15—Tellison's Tune Parade.
11:59—Bulova Announcement.
P. M.
12:00—WPCC.
12:30—Evening American News Flashes.
12:45—Clyde McCoy.
1:00—Bulova Announcement.
1:15—Al & Pete—NBC.
1:30—Studio—Television.
1:45—Leo Terry at the Granada Theatre Organ.
1:00—Evening American News Flash.
2:02—Bridge Lesson.
2:15—White City.
2:30—Chicago Serenaders—NBC.

3:00—The Realsilkers.
3:15—Bulova Announcement.
3:16—White City.
3:25—Publix Theatre Reporter.
3:30—Giant Finger of the Air.
4:00—White City.
4:15—Evening American News Flashes.
4:30—Moore Paint Company—NBC.
4:45—Studio—Television.
4:59—Bulova Announcement.
5:00—Sign Off.
6:00—Chicago Theatre.
6:14—Bulova Announcement.
6:15—Little Things in Life—NBC.
6:25—Publix Theatre Reporter.
6:30—Phil Cook—NBC.
6:45—Brownbilt Program—NBC.
7:00—Nestle's Chocolateers—NBC.
7:30—David Jackson—Securities Talk.
7:45—Craddock Terry Program—NBC.
8:00—The Clicquot Club—NBC.
8:30—Sodiphene Announcement.
8:31—Frank Sylvano.
8:45—Dodge Duo.
9:00—The Campbell Program—NBC.
9:30—RKO Program—NBC.
10:00—Varicose Announcement.
10:01—The Music Box.
10:15—Bulova Announcement.
10:16—Modern Maidens.
10:30—Weather Report.
10:33—Art Kassel.
11:00—Clyde McCoy.
11:15—Frank Sylvano.
11:30—White City.
11:45—Frank Sylvano.
12:00—Bulova Announcement.
12:01—Clyde McCoy.
12:15—Art Kassel.
12:30—Frank Sylvano.
1:00—Sign Off.

1551 *WIBO Program Log.*

560 Kilocycles, 535.7 Meters.

Saturday, February 28, 1931.

A. M.
6:25—Uncle John.
7:30—Forget-me-not Program.
7:45—Cream of Wheat—NBC.
8:00—Bulova Time Clock.
8:30—Vermont Maid—NBC.
8:45—A. & P. Program—NBC.
9:00—Musical Interlude.
9:15—Reading Room.
9:45—Tellison's Tune Parade.
10:30—Evening American News Flashes.
10:45—Around the Home.
11:00—Bulova Announcement.
11:01—Tellison.
11:30—American Conservation of Vision Program.
11:45—Tellison.
P. M.
12:00—WPCC.
12:30—Evening American News Flashes.
12:45—Vincent Lopez—NBC.
1:00—Bulova Announcement.
1:01—Clyde McCoy.
1:15—Al & Pete—NBC.
1:30—Clyde McCoy.
2:00—Studio—Television.
2:15—White City.
2:30—Chicago Serenaders—NBC.
3:00—Bulova Announcement.
3:01—Studio.
3:15—White City.
3:25—Publix Theatre Reporter.
3:30—Studio.
4:00—White City.
4:15—Studio.
4:30—Television.
4:59—Bulova Announcement.
5:00—Sign Off.

7:00—Weber & Fields—NBC.
7:15—RCA Program—NBC.
7:30—The Fuller Brush Man—NBC.
8:00—General Electric Announcement.
8:01—General Electric Program—NBC.
9:00—General Electric Announcement.
9:01—Ku Ku Program—NBC.
9:30—Duke Ellington—Oriental Theatre stage.
9:50—Ford Announcement.
9:51—Publix Theatre Reporter.
10:00—Bulova Announcement.
10:01—The Music Box.
10:15—Weather Report.
10:16—Art Kassel.
10:45—Little Jack Little—NBC.
11:00—Clyde McCoy.
11:15—Frank Sylvano.
11:30—White City.
11:45—Frank Sylvano.
A. M.
12:00—Bulova Announcement.
12:01—Clyde McCoy.
12:15—Art Kassel.
12:30—Frank Sylvano.
1:00—Sign Off.

1552 *WIBO Program Log.*

535.7 Meters, 560 Kilocycles.

Sunday, March 1st, 1931.

7:30 A. M. Tone Pictures N. B. C. (S.).
8:00 A. M. Swedish Religious Prog.
Sign Off 10:00.
12:30 P. M. Little Jack Little—N. B. C.
12:45 P. M. Barclay Bybner N. B. C. (S.).
1:00 P. M. B. & K. Reporter.
1:05 P. M. Meditations of Man.
1:30 P. M. Copeland—Smith.
2:30 P. M. Music Box.
3:00 P. M. Norwegian Hour.
4:00 P. M. Dr. Fosdick—N. B. C. (N. P.).
5:00 P. M. Margaret Olson—N. B. C. (S.)

5:15 P. M. Musical Moment N. B. C. (S.).
5:30 P. M. Organ—White City.
Sign Off 6:00.
7:00 P. M. Bulova Annc.
7:01 P. M. Sylvano Dance Orchestra.
7:15 P. M. Kassel Dance Orchestra.
7:27 P. M. Weather Report.
7:30 P. M. Chase & Sanborn—N. B. C. (C.).
Sign Off 8:00.
12:00 P. M. Bulova Annc.
12:01 P. M. White City.
12:15 P. M. Kassel Dance Orchestra.
12:28 P. M. Sylvano Dance Orchestra.
Sign Off 1:00.

1553 *WIBO Program Log.*

535.7 Meters, 560 Kilocycles.

Monday, March 2, 1931.

6:25 A. M. Uncle John.
7:00 A. M. " "
7:30 A. M. Forget-me-not Prog.
7:45 A. M. Cream of Wheat—N. B. C. (C.).
8:00 A. M. Bulova Time Clock.
8:30 A. M. Vermont Maids—N. B. C. (C.).
8:45 A. M. A. & P. Prog.—N. B. C. (C.).
9:00 A. M. Drug Speech—N. B. C. (N. P.).
9:15 A. M. Reading Room.
9:45 A. M. Bulova Annc.
9:46 A. M. Tellison's.
10:30 A. M.—Market Reports.
10:40 A. M. Studio.
10:55 A. M. News Flashes.
11:00 A. M. Around the House.
11:45 A. M. Tellison's.
11:59 A. M. Bulova Annc.
12:00 Noon. W P C C.

12:30 P. M. News Flashes.
12:45 P. M. Hotel New Yorker (S.) N. B. C.
1:00 P. M. Piano Moods (S.) N. B. C.
1:15 P. M. Al & Pete (S.) N. B. C.

1:30 P. M. Leo Terry.
1:45 P. M. Bulova Annc.
1:40 P. M. Television.
2:15 P. M. White City.
2:30 P. M. Chicago Serenade (S.) N. B. C.
3:00 P. M. Real Silk Prog.
3:15 P. M. B. & K. Reporter.
3:20 P. M. Foreman & Clark Prog.
3:35 P. M. Bulova Annc.
3:36 P. M. Giant Finger.
3:58 P. M. White City.
4:15 P. M. News Flashes.
4:30 P. M. Television.
4:59 P. M. Bulova Annc.
5:00 P. M. Ford & Wallace (S.) N. B. C.
5:15 P. M. Mormon Tabernacle (S.) N. B. C.
5:45 P. M. Comic Strip.
6:00 P. M. Hayes Annc.
6:00½ P. M. White City Organ.
6:30 P. M. Careless Love (S.) N. B. C.
6:45 P. M. Back of News (S.) N. B. C.
7:00 P. M. W P C C.

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7:45 P. M. Sylvano Dance Orchestra.
7:45½ P. M. Sodiphene Annc.
7:55 P. M. Speaker.
8:00 P. M. Dodge Annc.
8:01 P. M. Kassel Dance Orchestra.
8:15 P. M. Bulova Annc.
8:16 P. M. Television.
8:25 P. M. B. & K. Reporter.
8:29½ P. M. Sodiphene Annc.
8:30 P. M. Swedish Program.
9:00 P. M. Foreman & Clark Annc.
9:01 P. M. Kassel Dance Orchestra.
9:15 P. M. Life Insurance Play.
9:30 P. M. Van Gunten Speaker.
9:40 P. M. Sylvano Dance Orchestra.
10:00 P. M. Bulova Annc.
10:01 P. M. Music Box.
10:15 P. M. Modern Maidens.

10:30 P. M. Weather Report.
10:33 P. M. Kassel Dance Orchestra.
11:00 P. M. Sylvano Dance Orchestra.
11:30 P. M. White City.
11:45 P. M. Sylvano Dance Orchestra.
12:00 P. M. Bulova Annc.
12:01 A. M. Kassel Dance Orchestra.
12:15 A. M. White City.
12:30 A. M. Sylvano Dance Orchestra.
Sign Off 1:00 A. M.

1555 *WIBO Program Log.*

535.7 Meters—570 Kilocycles.

Tuesday, March 3, 1931.

6:25 A. M. Uncle John.
7:00 A. M. " "
7:30 A. M. Forget-me-not Prog.
7:45 A. M. Cream of Wheat (C.) N. B. C.
8:00 A. M. Bulova Time Clock.
8:15 A. M. Calsodent (C.) N. B. C.
8:30 A. M. Vermont Maid (C.) N. B. C.
8:45 A. M. A & P Prog. (C.) N. B. C.
9:00 A. M. Musical Interlude.
9:15 A. M. Reading Room.
9:45 A. M. Heinz (C.) N. B. C.
10:00 A. M. Forecast School (C.) N. B. C.
10:30 A. M. Market Reports.
10:40 A. M. Bulova Time Annc.
10:41 A. M. Studio.
10:55 A. M. News Flashes.
11:00 A. M. Around the House.
11:15 A. M. Dodge Annc.
11:16 A. M. Tellison's.
11:30 A. M. Amer. Con. of Vision.
11:45 A. M. Tellison's.
11:58 A. M. Sodiphene Annc.
11:59 A. M. Bulova Annc.
12:00 Noon W P C C.
12:30 P. M. News Flashes.
12:45 P. M. Blue Blazes (S.) N. B. C.
1:00 P. M. Piano Moods (S.) N. B. C.

1:15 P. M. Al & Pete (S.) N. B. C.
1:30 P. M. Bulova Annc.
1:31 P. M. Leo Terry.
1:45 P. M. Television.
2:00 P. M. Bridge Talk.
2:15 P. M. White City.
2:30 P. M. Chicago Serenade (S.) N. B. C.
3:00 P. M. Real Silk Prog.
3:15 P. M. B & K Reporter.
3:20 P. M. Foreman & Clark.
3:35 P. M. Bulova Annc.
3:36 P. M. Trio.
3:45 P. M. Erl Bammel White City.
4:00 P. M. White City.
4:15 P. M. News Flashes.
4:30 P. M. Television.
4:59 P. M. Bulova Annc.
5:00 P. M. Black & Gold Room Orch. (S.) N. B. C.
5:30 P. M. Who's Behind the Name (S.) N. B. C.
5:45 P. M. Evening American Annc.
5:45½ P. M. Comic Strip.
6:00 P. M. White City Organ.
6:15 P. M. Xylophone (S.) N. B. C.

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6:30 P. M. Hayes Annc.
6:30½ P. M. White City.
6:44 P. M. American Annc.
6:45 P. M. Speaker Hearst Square.
7:00 P. M. Waitt & Bond (C.) N. B. C.
7:30 P. M. W P C C.
8:14½ P. M. American Annc.
8:16 P. M. Kassel Dance Orch.
8:25 P. M. B & K Reporter.
8:30 P. M. Continental Bakers (C.) N. B. C.
9:00 P. M. Lucky Strike (C.) N. B. C.
10:00 P. M. Bulova Annc.
10:01 P. M. Music Box.
10:29 P. M. Foreman & Clark.
10:30 P. M. Weather Report.
10:33 P. M. Kassel Dance Orchestra.
11:00 P. M. Sylvano Dance Orchestra.
11:30 P. M. White City.

11:45 P. M. Sylvano Dance Orchestra.
12:00 P. M. Bulova Annc.
12:01 P. M. Kassel Dance Orchestra.
12:30 P. M. Sylvano Dance Orchestra.
Sign Off 1:00.

1557 *WIBO Program Log.*

535.7 Meters—560 Kilocycles.

Wednesday, March 4, 1931.

6:25 A. M. Uncle John.
7:00 A. M. " "
7:30 A. M. Forget-me-not Prog.
7:45 A. M. Cream of Wheat (C.) N. B. C.
8:00 A. M. Bulova Time Clock.
8:30 A. M. Vermont Maid (C.) N. B. C.
8:45 A. M. A. & P. Prog. (C.) N. B. C
9:00 A. M. Libby McNeil (C.) N. B. C.
9:15 A. M. Reading Room.
9:45 A. M. Wildroot (C.) N. B. C.
10:00 A. M. Forecast School (C.) N. B. C.
10:30 A. M. News Flashes.
10:40 A. M. Bulova Time Annc.
10:41 A. M. Studio.
10:55 A. M. Market Reports.
11:00 A. M. Around the House.
11:15 A. M. Tellison's.
11:58 A. M. Sodiphene Annc.
11:59 A. M. Bulova Annc.
12:00 Noon. W P C C.
12:30 P. M. News Flashes.
12:45 P. M. Little Jack Little (C.) N. B. C.
1:00 P. M. Piano Moods (S.) N. B. C.
1:15 P. M. Al & Pete (S.) N. B. C.
1:30 P. M. Dodge Annc.
1:31 P. M. Leo Terry.
1:45 P. M. Melody Three (S.) N. B. C.
2:00 P. M. Television.
2:15 P. M. Bulova Annc.
2:16 P. M. White City.
2:30 P. M. Radio Playlet (S.) N. B. C.

3:00 P. M. Real Silk Prog.
3:15 P. M. B. & K. Reporter.
3:20 P. M. Foreman & Clark Prog.
3:35 P. M. Modern Maids Annc.
3:35½ P. M. Giant Finger.
4:00 P. M. White City.
4:15 P. M. News Flashes.
4:30 P. M. Television.
4:59 P. M. Bulova Time Annc.
5:00 P. M. Black & Gold Room Orch. (S.) N. B. C.
5:45 P. M. Evening American Annc.
5:45½ P. M. Comic Strip.
6:00 P. M. Modern Maids Annc.
6:00½ P. M. White City Organ.
6:15 P. M. Joe White (S.) N. B. C.
6:30 P. M. Hayes Annc.
6:31 P. M. Sylvano Dance Orch.
6:44 P. M. Evening American Annc.
6:45 P. M. Smith Bros. (C.) N. B. C.
7:00 P. M. Jones for Listerine Prog. (C.) N. B. C.
7:15 P. M. R. C. A. * * (C.) N. B. C.
7:30 P. M. Varicose Annc.
7:31 P. M. Sylvano Dance Orchestra.
7:44 P. M. Evening Amer. Annc.
7:45 P. M. Mr. Pratt.

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8:00 P. M. Evening Amer. Annc.
8:01 P. M. Kassel Dance Orch.
8:15 P. M. Bulova Annc.
8:16 P. M. Television.
8:25 P. M. B. & K. Reporter.
8:30 P. M. Dodge Duo.
8:45 P. M. Foreman & Clark.
8:46 P. M. Kassel Dance Orch.
9:00 P. M. Sodiphene Annc.
9:00½ P. M. Chicago Theatre.
9:30 P. M. Dainty Damoselle Concert.
9:45 P. M. Sears Roebuck Annc.
9:45 P. M. Sylvano Dance Orch.
10:00 P. M. Bulova Annc.
10:01 P. M. Modern Maids.

10:14 P. M. Bob MacDonald Annc.
10:15 P. M. Debate—McNamee & Rockwell (S.).
10:45 P. M. Weather Report.
10.48 P. M. Kassel Dance Orch.
11:00 P. M. Sylvano Dance Orch.
11:30 P. M. White City.
11:45 P. M. Sylvano Dance Orchestra.
12:00 P. M. Bulova Annc.
12:01 P. M. Kassel Dance Orch.
12:30 P. M. Sylvano Dance Orch.
1:00 Sign Off.

1559 *WIBO Program Log.*

535.7 Meters, 560 Kilocycles.

Thursday, March 5, 1931.

6:25 A. M. Uncle John.
7:00 " "
7:30 For-get-me-not.
7:45 Cream of Wheat (C.) N. B. C.
8:00 Bulova Time Clock.
8:30 Vermont Maid (C.) N. B. C.
9:00 Libby McNeill (C.) N. B. C.
9:15 Swift Program (C.) N. B. C.
9:30 Reading Room.
10:00 Forecast School (C.) N. B. C.
10:30 Northam Warren (C.) N. B. C.
10:45 Bulova Annc.
10:46 Studio.
10:55 News Flashes.
11:00 Around the House.
11:15 Salzman Pisert Prog.
11:30 Tellison's.
11:58 Sodiphene Annc.
11:59 Bulova Annc.
12:00 P. M. W P C C.
12:30 News Flashes.
12:45½ Wealth of Harmony (S.) N. B. C.
1:00 Piano Moods (S.) N. B. C.
1:15 Al & Pete.
1:30 Bulova Annc.
1:31 Leo Terry.

1:45	Melody Three (S.) N. B. C.
2:00	Television.
2:15	White City.
2:30	Chicago Serenade (S.) N. B. C.
3:00	Real Silk.
3:15	B. & K. Reporter.
3:20	Foreman & Clark.
3:35	Bulova Annc.
3:36	Trio.
3:45	Erl Bammel.
4:00	White City.
4:15	News Flashes.
4:30	Television.
4:59	Bulova Annc.
5:00	Susan Steele (S.) N. B. C.
5:15	White's Band (S.) N. B. C.
5:30	J. B. Kennedy (S.) N. B. C.
5:35	White's Orch. (S.) N. B. C.
5:45	Evening American Annc.
5:46	Comic Strip.
6:00	Copeland Smith League.
6:30	Foreman Clark Annc.
6:31	Sylvano Dance Orch.
6:44	Evening Amer. Annc.
6:45	Jarmon Shoe (C.) N. B. C.
7:00	First Nighter (C.) N. B. C.
7:30	Salada Tea (C.) N. B. C.
7:59½	Dodge Annc.
8:00	Ernie Young.
8:15	Guth Proh.
8:30	National Sugar (C.) N. B. C.
9:00	Real Silk.
9:30	Hayes Annc.

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9:31	B. & K. Reporter Prog.
9:45	Sylvano Dance Orch.
10:00	Bulova Annc.
10:01	B. & K. Reporter.
10:06	Music Box.
10:30	Weather Report.
10:33	Kassel Dance Orch.
11:00	Bulova Annc.

11:01		Sylvano Dance Orch.
11:30		White City.
11:45		Sylvano Dance Orch.
12:00		Bulova Annc.
12:01		Kassel Dance Orch.
12:30		Sylvano Dance Orch.
1:00		Sign Off.

1561 *WIBO Program Log.*

535.7 Meters, 560 Kilocycles.

Friday, March 6, 1931.

6:25	A. M.	Uncle John.
7:00		Uncle John.
7:30		Forget-me-not Prog.
7:45		Cream of Wheat (C.) N. B. C.
8:00		Bulova Time Clock.
8:30		Vermont Maid (C.) N. B. C.
8:45		A. & P. Prog. (C.) N. B. C.
9:00		Libby McNeill (C.) N. B. C.
9:15		Bulova Time Annc.
9:16		Reading Room.
9:45		Heinz Prog. (C.) N. B. C.
10:00		Musical Appreciation (N. P.) N. B. C.
11:00		Market News Reports.
11:15		Tellison's.
11:58		Sodiphene Annc.
11:59		Bulova Annc.
12:00	P. M.	W P C C.
12:30		News Flashes.
12:45		Blue Blazes (S.) N. B. C.
1:15		Al & Pete (S.) N. B. C.
1:30		Evening Amer. Annc.
1:31		Television.
1:44		Bulova Annc.
2:00		Bridge Lesson.
2:15		White City.
2:30		Real Silk Prog.
3:15		B. & K. Reporter.
3:20		Foreman & Clark Prog.
3:35		Bulova Annc.
3:36		Giant Finger.

4:00 White City.
4:15 News Flashes.
4:30 Moore Paint Co. (C.) N. B. C.
4:45 Television.
4:59 Bulova Annc.
5:00 Saltzmann's Rest. Orch. (S.) N. B. C.
5:45 Evening American Annc.
5:46 Comic Strip.
6:00 Foreman & Clark Annc.
6:01 White City.
6:10 B. & K. Reporter.
6:15 Chicago Theatre.
6:30 Bulova Annc.
6:31 Sylvano Dance Orch.
6:44 Evening American Annc.
6:45 Brownbilt Prog. (C.) N. B. C.
7:00 Nestles Prog. (C.) N. B. C.
7:30 Hayes Prog.
7:45 Craddock Terry (C.) N. B. C.
8:00 Cliquot Club Prog. (C.) N. B. C.
8:30 Evening American Annc.
8:31 Art Kassel Dance Orch.
8:44½ Sodiphene Annc.
8:45 Dodge Duo.
9:00 Foreman & Clark Prog.
9:15 Bulova Annc.
9:16 Television.

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9:29 P. M. Varicose Annc.
9:30 R K O Prog. (C.) N. B. C.
10:00 Bulova Annc.
10:01 Television.
10:14 Bob MacDonald Annc.
10:15 Modern Maids.
10:30 Weather Report.
10:33 Art Kassel Dance Orch.
11:00 Sylvano Dance Orch.
11:30 White City.
11:45 Sylvano Dance Orch.
12:00 Bulova Annc.
12:01 Art Kassel Dance Orch.
12:15 White City.

12:30 Sylvano Dance Orch.
1:00 Sign Off.

1563 *WIBO Program Log.*

535.7 Meters, 560 Kilocycles.

Saturday, March 7, '31.

6:25 A. M. Uncle John.
7:00 " "
7:30 Forget-me-not Prog.
7:45 Cream of Wheat (C.) N. B. C.
8:00 Bulova Time Clock.
8:30 Vermont Maid (C.) N. B. C.
8:45 A. & P. Prog. (C.) N. B. C.
9:00 Musical Interlude.
9:15 Reading Room.
9:45 Bulova Annc.
9:46 Tellison's.
10:30 Market Reports.
10:40 Studio.
10:55 News Flashes.
11:00 Around the House.
11:15 Tellison's.
11:30 Amer. Soc. for Con. Vision.
11:45 Tellison's.
11:58 Sodiphene Annc.
11:59 Bulova Annc.
12:00 P. M. W P C C.
12:30 News Flashes.
12:45 V. Lopez (S.) N. B. C.
1:00 Blue Blazes.
1:15 Al & Pete (S.) N. B. C.
1:30 Evening Amer. Annc.
1:31 Gloom Chasers.
1:45 Bulova Annc.
1:46 Television.
2:15 White City.
2:30 Chicago Serenade (S.) N. B. C.
3:00 Studio Prog.
3:15 B. & K. Reporter.
3:20 Foreman & Clark.
3:35 Trio.

3:45	Erl. Bammel.
4:00	Bulova Annc.
4:01	White City.
4:15	Studio.
4:30	Evening Amer. Annc.
4:31	Television.
5:00	Story of the Alamo.
5:30	Black & Gold Room Orch.
5:45	Evening Amer. Annc.
5:46	Comic Strip.
6:00	Bulova Annc.
6:01	White City.
6:15	Prose & Poetry by Bob Hawk.
6:45	David Jackson.
7:00	Weber & Fields (C.) N. B. C.
7:15	R. C. A. Prog. (C.) N. B. C.
7:30	Fuller Brush.
8:00	Evening Amer. Annc.
8:01	Kassel Dance Orch.
8:15	Bulova Annc.
8:16	Musical Moments.
8:59	Hayes Annc.
9:00	KuKu (S.) N. B. C.

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9:30	Felz Motors Co. Prog.
9:45	B. & K. Prog.
10:00	Bulova Annc.
10:01	Ben Bernie.
10:15	Music Box.
10:30	Weather Report.
10:33	News Flashes.
10:35	Kassel Dance Orch.
11:00	Sylvano Dance Orch.
11:30	White City.
11:45	Sylvano Dance Orch.
12:00	Bulova Annc.
12:01	Art Kassel Dance Orch.
12:15	White City.
12:36	White City.
12:45	Sylvano Dance Orchestra.

Sign Off 1:00.

1565 *WIBO Program Log.*

535.7 Meters, 560 Kilocycles.

Sunday, March 8, 1931.

7:30 A. M. Tone Pictures.
8:00 Swedish Religious Prog.
10:00 W P C C.
12:30 P. M. Little Jack Little.
12:45 Dragman Rybner.
1:00 Bulova Annc.
1:01 B. & K. Reporter.
1:05 Meditations of Man.
1:30 Copeland Smith League.
2:30 Music Box.
3:00 Norwegian Hour.
4:00 W P C C.
4:30 Dr. Fosdick.
5:00 Margaret Olson.
5:15 Musical Moments.
5:30 Northern Lights.
Sign Off 6:00.

7:00 P. M. Chase & Sanborn.
8:00 Sign Off.

12:00 P. M. Bulova Annc.
12:01 Polo Annc.
12:02 Kassel Dance Orch.
12:15 White City.
12:30 Sylvano Dance Orch.
1:00 Sign Off.

1566 *WIBO Program Log.*

535.7 Meters, 560 Kilocycles.

Monday, March 9, 1931.

6:25 A. M. Uncle John.
7:00 " "
7:30 Forget-me-not Prog.
7:45 Cream of Wheat.
8:00 Bulova Time Clock.

8:30		Vermont Maids.
8:45		A. & P. Prog.
9:00		Drug Speech.
9:15		Reading Room.
9:45		Musical Interlude.
9:59		Bulova Annc.
10:00		Forecast School.
10:30		Market Reports.
10:40		Studio.
10:55		News Flashes.
11:00		Around the House.
11:15		Salzman Piesert Prog.
11:30		Tellison's.
11:58		Sodiphene.
11:59		Bulova Annc.
12:00	P. M.	W P C C.
12:30		News Flashes.
12:45		Hotel New Yorker.
1:00		Piano Moods.
1:15		Al & Pete.
1:35		Leo Terry.
1:51		Bulova Annc.
1:52		Television.
2:15		White City.
2:30		Chicago Serenade.
3:00		Real Silk.
3:15		B. & K. Reporter.
3:20		Foreman & Clark Prog.
3:35		Giant Finger.
4:00		Bulova Annc.
4:01		White City.
4:15		News Flashes.
4:31		Television.
5:00		Ford & Wallace.
5:15		Mormon Tabernacle.
5:45		Evening Amer. Annc.
5:46		Comic Strip.
6:00		Bulova Annc.
6:01		White City.
6:15		Prose & Poetry by Bob Hawk.
6:25		B. & K. Reporter.
6:29		Hayes Annc.

6:30 Sylvano Dance Orch.
6:45 Back of News.
6:59½ Dashiell Annc.
7:00 W P C C.
7:30 Copeland Smith League.
8:00 Evening Amer. Annc.
8:01 Kassel Dance Orch.
8:15 Felz Motor Co.
8:30 Sodiphene Annc.
8:30½ Speaker.
8:35½ Swedish Prog.
8:59 American Annc.

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9:00 Bulova Annc.
9:01 Kassel Dance Orch.
9:14 Dashiell Annc.
9:15 Life Ins. Play.
9:30 Ford Annc.
9:31 Van Gunten Speaker.
9:40 Foreman & Clark Annc.
9:41 Sylvano Dance Orch.
10:00 Bulova Annc.
10:01 Music Box.
10:14 Bob MacDonald Annc.
10:15 Modern Maids.
10:30 Weather Report.
10:33 Kassel Dance Orch.
11:00 Polo Annc.
11:01 Sylvano Dance Orch.
11:30 White City.
11:45 Sylvano Dance Orch.
12:00 Bulova Annc.
12:01 Kassel Dance Orch.
12:15 Polo Annc.
12:16 White City.
12:30 Sylvano Dance Orch.
Sign Off 1:00.

1568 *WIBO Program Log.*

535.7 Meters, 560 Kilocycles.

Tuesday, Mar. 10, 1931.

6:25 A. M. Uncle John.
7:00 " "

7:30		Forget-me-not Prog.
7:45		Cream of Wheat.
8:00		Bulova Time Clock.
8:15		Calsodent Prog.
8:30		Vermont Maid.
8:45		A & P Prog.
9:00		Song Cycle.
9:15		Reading Room.
9:45		Heinz Prog.
10:00		Forecast School.
10:30		Market Reports.
10:40		Bulova Annc.
10:41		Studio.
10:55		News Flashes.
11:00		Around the House.
11:15		Tellison's
11:30		Amer. Con. of Vision.
11:45		Tellison's.
11:58		Sodiphene.
11:59		Bulova Annc.
12:00	P. M.	W P C C.
12:30		News Flashes.
12:45		U. S. Navy Band.
1:00		Piano Moods.
1:15		Al & Pete.
1:30		Leo Terry.
1:45		Television.
2:00		Bridge Talk.
2:15		Bulova Annc.
2:16		White City.
2:30		Chicago Serenade.
3:00		Real Silkers.
3:15		B & K Reporter.
3:20		Foreman & Clark.
3:35		Trio & Penny a Mean Annc.
3:45		Erl Bammel.
4:00		Bulova Annc.
4:01		White City.
4:15		News Flashes.
4:30		Television.
4:59		Ford Annc.
5:00		Black & Gold Room Orch.
5:29		Foreman & Clark Annc.

5:30 Who's Behind the Name.
5:45 Evening Amer. Annc.
5:46 Comic Strip.
6:00 Ford. Annc.
6:01 Ferris.
6:09 Palace Pickup.
6:14 Bulova Annc.
6:15 Etsel Newcombe.
6:30 Sylvano Dance Orch.
6:44 Evening Amer. Annc.
6:45 Speaker (Hearst Sq.)
6:55 B & K Reporter.

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7:00 P. M. Waitt & Bond.
7:30 WPCC.
8:00 Hayes Annc.
8:01 Kassel Dance Orch.
8:15 Ernie Young.
8:30 Continental Bakers.
9:00 Lucky Strike Orch.
10:00 Bulova Annc.
10:01 Music Box.
10:30 Weather Report.
10:33 Kassel Dance Orch.
11:00 Polo Annc.
11:01 Sylvano Dance Orch.
11:30 White City.
11:45 Sylvano Dance Orch.
12:00 Bulova Annc.
12:01 Kassel Dance Orch.
12:15 White City.
12:30 Sylvano Dance Orch.
Sign Off 1:00.

1570 *WIBO Program Log.*

535.7 Meters, 560 Kilocycles.

Wednesday, Mar. 11, '31.

6:25 A. M. Uncle John.
7:00 " "
7:30 Forget-me-not Prog.

7:45		Cream of Wheat.
8:00		Bulova Time Clock.
8:30		Vermont Maid.
8:45		A & P Prog.
9:00		Libby McNeil.
9:15		Reading Room.
9:30		Ford Prog.
9:45		Wildroot Prog.
10:00		Forecast School.
10:30		Market Reports.
10:40		Studio.
10:54		Bulova Annc.
10:55		News Flashes.
11:00		Around the House.
11:15		Tellison's.
11:58		Sodiphene.
11:59		Bulova Annc.
12:00	P. M.	WPCC.
12:30		Advertising Club Lunch.
1:00		News Flashes.
1:15		Al & Pete.
1:30		Radio Weekly Annc.
1:30		Leo Terry.
1:45		Melody Three.
2:00		Bulova Annc.
2:01		Television.
2:15		White City.
2:29½		Polo Annc.
2:30		Radio Playlet.
3:00		Real Silkers.
3:15		B & K Reporter.
3:20		Foreman & Clark Prog.
3:35		Trio.
3:45		Ford Prog.
4:00		Bulova Annc.
4:01		White City.
4:15		News Flashes.
4:30		Evening Amer. Annc.
4:31		Television.
4:59		Ford Annc.
5:15		Black & Gold Room Orch.
5:45		Ruth Reed Eve. Amer. Annc.

5:46		Comic Strip.
6:00		Ford Annc.
6:01		White City.
6:14		Amer. Con. of Vision Annc.
6:15		Joe White.
6:30		Ford Annc.
6:30½		Sylvano Dance Orch.
6:44		Eve. Amer. Annc.
6:45		Smith Bros.

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7:00	P. M.	Jones Prog.
7:15		R. C. A. Prog.
7:30		Speaker.
7:35		Sylvano.
7:44		Guth Annc.
7:45		Mr. Pratt (Speaker).
8:00		Eve. Amer. Annc.
8:01		Kassel Dance Orch.
8:15		Bulova Annc.
8:16		Television.
8:25		B & K Reporter.
8:30		Dodge Duo Prog.
8:45		Sodiphene.
8:45½		Studio Orch.
9:00		Ford Annc.
9:01		Chicago Theatre.
9:30		Petite Damosell Concert.
9:45		Hayes Annc.
9:46		Sylvano Dance Orch.
9:59		Ford Annc.
10:00		Bulova Annc.
10:01		Music Box.
10:14		Foreman & Clark.
10:15		Modern Maids.
10:30		Weather Report.
10:33		Kassel Dance Orch.
11:00		Radio Weekly Annc.
11:01		Sylvano Dance Orch.
11:30		Polo Annc.
11:31		White City.
11:45		Sylvano Dance Orch.
12:00		Bulova Annc.

12:01 Kassel Dance Orch.
12:15 White City.
12:30 Sylvano Dance Orch.
Sign Off 1:00.

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535.7 Meters, 560 Kilocycles.

Thurs., Mar. 12, 1931.

6:25 A. M. Uncle John.
7:00 " "
7:30 Forget-me-not.
7:45 Cream of Wheat.
8:00 Bulova Time Clock.
8:30 Vermont Maid.
8:45 A. & P. Prog.
9:00 Libby McNeill.
9:15 Swift & Co.
9:30 Ford Prog.
9:45 Reading Room.
10:00 Forecast School.
10:30 Northam Warren.
10:45 Bulova Annc.
10:45 News Flashes.
11:00 Around the House.
11:15 Salzmann's Spic & Spanners.
11:30 Amer. Con. of Vision.
11:45 Tellison's.
11:58 Sodiphene.
11:59 Bulova Annc.
12:00 P. M. WPCC.
12:30 News Flashes.
12:45 Radio Weekly Annc.
12:45 Wealth of Harmony.
1:00 Piano Moods.
1:15 Al & Pete.
1:30 Eve. Amer. Annc.
1:30 Leo Terry.
1:45 Melody Three.
2:00 Bulova Annc.
2:01 Television.
2:15 White City.

2:29		Amer. Con. of Vision.
2:30		Chicago Serenade.
3:00		Real Silkers.
3:15		B. & K. Reporter.
3:20		Foreman & Clark.
3:35		Sextet.
3:45		Ford Prog.
4:00		Bulova Annc.
4:01		White City.
4:15		News Flashes.
4:30		Eve. Amer. Annc.
4:31		Television.
4:59		Ford Annc.
5:00		Susan Steele.
5:15		White's Band.
5:30		Kennedy.
5:35		White's Band.
5:45		Eve. Amer. Annc.
5:46		Comic Strip.
6:00		Ford Annc.
6:01		Television.
6:10		B. & K. Reporter.
6:14		Ford Annc.
6:15		Income Tax Payers' Talk.
6:30		Ford Annc.
6:31		Sylvano Dance Orch.

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6:44	P. M.	Eve. Amer. Annc.
6:45		Jarman Shoe.
7:00		First Nighter.
7:30		Salada Tea.
8:00		Dashiell Annc.
8:00½		Ernie Young.
8:15		Guth's Prog.
8:30		National Sugar.
9:00		Real Silkers.
9:30		Packard Annc.
9:31		Hayes Annc.
9:32		Polo Game Pickup.
11:00		Eve. Amer. Annc.
11:01		Weather Report.
11:04		Art Kassel Dance Orch.

11:15		Sylvano Dance Orch.
11:30		White City.
11:45		Sylvano Dance Orch.
12:00		Bulova Annc.
12:01		Kassel Dance Orch.
12:15		White City.
12:30		Sylvano Dance Orch.
1:00	Sign Off	

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535.7 Meters, 560 Kilocycles.

Friday, March 13, 1931.

6:25	A. M.	Uncle John.
7:00		" "
7:30		Forget-me-not Prog.
7:45		Cream of Wheat.
8:00		Bulova Time Clock.
8:30		Vermont Maid.
8:45		A. & P. Prog.
9:00		Libby McNeill.
9:15		Reading Room.
9:30		Ford Prog.
9:45		Heinz Prog.
10:00		Musical Appreciation.
10:45		Bulova Annc.
10:46		News Flashes.
11:00		Around the House.
11:15		Tellison's.
11:58		Sodiphene.
11:59		Bulova Annc.
12:00	P. M.	WPCC.
12:30		News Flashes.
12:45		Blue Blazes.
1:15		Al & Pete.
1:30		Television.
1:44½		Radio Weekly Annc.
1:45		Leo Terry.
2:00		Bulova Annc.
2:01		Bridge Talk.
2:15		White City.
2:30		Chicago Serenade.

3:00	Real Silkers.
3:15	B. & K. Reporter.
3:20	Foreman & Clark.
3:35	Sextet.
3:45	Ford Prog.
4:00	Bulova Annc.
4:01	White City.
4:15	News Flashes.
4:29	Eve. Amer. Annc.
4:30	Moore Paint Co.
4:45	Amer. Con. of Vision Annc.
4:45½	Television.
4:59	Ford Annc.
5:00	Salzmann's Rest. Orch.
5:45	Ruth Reed Eve. Amer. Annc.
5:46	Foreman & Clark Annc.
5:46½	Comic Strip.
6:00	Ford Annc.
6:01	Chicago Theatre.
6:15	Ford Annc.
6:16	Chicago Theatre.
6:25	B. & K. Reporter.
6:30	Ford Car Annc.
6:31	Sylvano Dance Orch.
6:44	Eve. Amer. Annc.
6:45	Brownbilt Prog.
7:00	Nestles Prog.
7:30	Sodiphene Annc.
7:30½	Hayes Prog.

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7:45	P. M.	Craddock Terry Prog.
8:00		Cliquot Club Prog.
8:30		Ford Prog.
9:00		Dodge Annc.
9:00½		Foreman & Clark Prog.
9:15		Dodge Duo.
9:30		R K O Prog.
10:00		Bulova Annc.
10:01		Music Box.
10:14		Ford Annc.
10:15		Modern Maids.
10:29		Varicose Annc.

10:30 Weather Report.
10:33 Kassel Dance Orch.
11:00 Bulova Annc.
11:01 Sylvano Dance Orch.
11:30 White City.
11:45 Sylvano Dance Orch.
12:00 Bulova Annc.
12:01 Kassel Dance Orch.
12:15 White City.
12:30 Sylvano Dance Orch.
Sign Off 1:00.

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535.7 Meters, 560 Kilocycles.

Saturday, Mar. 14, 1931.

6:25 A. M. Uncle John.
7:00 " "
7:30 Forget-me-not Prog.
7:45 Cream of Wheat.
8:00 Bulova Time Clock.
8:30 Vermont Maids.
8:45 A & P Prog.
9:00 Song Cycle.
9:15 Reading Room.
9:30 Ford Prog.
9:45 Tellison's.
10:30 Market Report.
10:40 Bulova Annc.
10:41 Studio.
10:55 News Flashes.
11:00 Around the House.
11:15 Tellison's.
11:30 Amer. Con. of Vision.
11:45 Tellison's.
11:58 Sodiphene Annc.
11:59 Bulova Annc.
12:00 P. M. W P C C.
12:30 News Flashes.
12:45 V. Lopez.
1:00 Blue Blazes.
1:30 Eve. Amer. Annc.

1:31 Gloom Chasers.
1:45 Television.
2:15 Bulova Annc.
2:16 White City.
2:30 Chicago Serenade.
3:00 Chicago Radio Weekly.
3:00½ Studio Prog.
3:15 B & K Reporter.
3:20 Foreman & Clark.
3:35 Sextet.
3:45 Ford Prog.
4:00 Bulova Annc.
4:30 White City.
4:15 Studio.
4:30 Eve. Amer. Annc.
4:45 Television.
4:59 Ford Annc.
5:15 Black & Gold Room Orch.
5:45 Ruth Reed Eve. Amer. Annc.
5:46 Comic Strip.
6:00 Ford Annc.
6:01 Bulova Annc.
6:02 White City.
6:15 Foreman & Clark Annc.
6:16 Bob Hawk, Prose & Poetry.
6:25 B & K Reporter.
6:30 Ford Annc.
6:30 Sylvano Dance Orch.
6:44 Ford. Annc.
6:45 David Jackson, Speaker.
7:00 Weber & Fields.
7:15 R. C. A. Prog.
7:30 Fuller Brush.

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8:00 Evening Amer. Annc.
8:01 Polo Game Annc.
8:30 Bulova Annc.
8:44 Hayes Annc.
8:45 Polo Game.
9:00 KuKu Prog.
9:30 Guth Annc.
9:31 Polo Annc.

10:00 Bulova Annc.
10:01 Music Box.
10:14 Roxy Annc.
10:15 Polo Game.
10:30 Weather Report.
10:33 Kassel Dance Orch.
11:00 Ford Annc.
11:01 Special Chain N. B. C.
11:30 White City.
11:45 Sylvano Dance Orch.
12:00 Bulova Annc.
12:01 Kassel Dance Orch.
12:15 White City.
12:30 Sylvano Dance Orch.
Sign Off 1:00.

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535.7 Meters, 560 Kilocycles.

Sunday, March 15, 1931.

7:30 A. M. Tone Pictures.
8:00 Swedish Religious Services.
10:00 Sign Off.
12:30 P. M. Echoes of Ireland.
1:00 Roxy Annc.
1:01 B & K Reporter.
1:05 Meditations of Man.
1:30 Copeland Smith League.
2:30 Bulova Annc.
2:31 Music Box.
3:00 Roxy Annc.
3:01 Norwegian Hour.
4:00 W P C C.
4:30 Dr. Fosdick.
5:00 Marg. Olson.
5:15 Musical Moments.
5:30 Bulova Annc.
5:31 Polo Talk.
5:57 Weather Report.
Sign Off 6:00.

7:00 Chase & Sanborn.
8:00 Sign Off.

12:00 Bulova Annc.
12:01 Kassel Dance Orch.
12:15 White City.
12:30 Sylvano Dance Orch.
Sign Off 1:00.

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535.7 Meters, 560 Kilocycles.

Monday, March 16, 1931.

6:25 A. M. Uncle John.
7:00 " "
7:30 Forget-me-not Prog.
7:45 Cream of Wheat.
8:00 Bulova Time Clock.
8:30 Vermont Maid.
8:45 A & P Prog.
9:00 Drug Speech.
9:15 Reading Room.
9:30 Ford Prog.
9:45 Musical Interlude.
10:00 Bulova Annc.
10:01 Tellison's.
10:30 Market Reports.
10:40 Studio.
10:54 Shelter Annc.
10:55 News Flashes.
11:00 Around the House.
11:15 Salzmann's Spic & Spanners.
11:30 Tellison's.
11:58 Sodiphene Annc.
11:59 Bulova Annc.
12:00 P. M. W P C C.
12:30 News Flashes.
12:45 Hotel New Yorker.
1:00 Organ Melodies.
1:30 Chi. Eve. Amer. Annc.
1:30½ Wesley Long.
1:45 Wurlitzer Annc.
1:46 Leo Terry.
2:00 Television.
2:15 Bulova Annc.

2:16	White City.
2:30	Chicago Serenade.
3:00	Real Silkers.
3:15	B & K Reporter.
3:20	Foreman & Clark Prog.
3:35	Chicago Radio Weekly.
3:36	Reading (Hearst Square).
3:45	Ford Prog.
4:00	Bulova Annc.
4:01	White City.
4:15	News Flashes.
4:30	Television.
4:59	Ford Annc.
5:00	Ford & Wallace.
5:15	Mormon Tabernacle.
5:45	Ruth Reed Eve. Amer. Annc.
5:46	Comic Strip.
6:00	Ford Annc.
6:01	Bulova Annc.
6:15	Prose & Poetry, Bob Hawk.
6:29	Ford Annc.
6:30	Sylvano Dance Orch.

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6:45	Back of News.
7:00	W P C C.
7:30	Copeland Smith.
8:00	Draper & Kramer.
8:01	Kassel Dance Orch.
8:15	Dodge Annc.
8:16	Speaker (On Television).
8:20	Television.
8:24	Foreman & Clark Annc.
8:25	B & K Reporter.
8:30	Sodiphene Annc.
8:30½	Bulova Annc.
8:31½	Studio Prog.
9:00	Ford Annc.
9:01	Kassel Dance Orch.
9:15	Life Insurance Play.
9:30	Hayes Annc.
9:31	Van Gunten Speaker.
9:41	Sylvano Dance Orch.

10:00 Bulova Annc.
10:01 Wee Bit O' Scotch.
10:15 Ford Annc.
10:16 Modern Maids.
10:30 Weather Report.
10:33 Kassel Dance Orch.
11:00 Sylvano Dance Orch.
11:29 Chi. Radio Weekly Annc.
11:30 White City.
11:45 Sylvano Dance Orch.
12:00 Bulova Annc.
12:01 Kassel Dance Orch.
12:15 White City.
12:30 Sylvano Dance Orch.
Sign Off 1:00.

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535.7 Meters, 560 Kilocycles.

Tuesday, March 17, '31.

6:25 A. M. Uncle John.
7:00 " "
7:30 Forget-me-not Prog.
7:45 Cream of Wheat.
8:00 Bulova Time Clock.
8:15 Calsodent Prog.
8:30 Vermont Maid.
8:45 A. & P. Prog.
9:00 Bulova Annc.
9:01 Song Cycle.
9:15 Reading Room.
9:30 Ford Prog.
9:45 Heinz Prog.
10:00 Forecast School.
10:30 Market Reports.
10:40 Studio.
10:55 News Flashes.
11:00 Around the House.
11:15 Sodiphene Annc.
11:15½ On the Wings of Song.
11:59 Bulova Annc.

12:00 P. M. W P C C.
12:30 News Flashes.
12:45 Nat. Lunch of Probation Soc.
1:45 Chi. Eve. Amer.
1:46 Leo Terry.
2:00 Bulova Annc.
2:01 Bridge Talk.
2:15 White City.
2:30 London Concert.
3:00 Real Silk Prog.
3:15 B. & K. Reporter.
3:20 Foreman & Clark.
3:35 Chi. Radio Weekly Annc.
3:35½ Television.
3:45 Ford Prog.
4:00 Bulova Annc.
4:01 White City.
4:15 News Flashes.
4:30 Eve. Amer. Annc.
4:31 Television.
4:59 Ford Annc.
5:00 Black & Gold Room Orch.
5:30 Who's Behind the Name?
5:45 Ruth Reed Eve. Amer. Annc.
5:46 Comic Strip.
6:00 Ford Annc.
6:01 Bulova Annc.
6:02 Bob Hawk, Prose & Poetry.
6:14 Foreman & Clark.
6:15 Jigs & Reels.
6:30 Ford Annc.
6:31 Sylvano Dance Orch.
6:44 Eve. Amer. Annc.
6:45 Speaker (Hearst Square).
6:58 Hayes Annc.
7:00 Waitt & Bond.
7:30 W P C C.
8:00 Chi. Eve. Amer. Annc.
8:01 Kassel Dance Orch.

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8:14 Bulova Annc.
8:15 Ernie Young Prog.

8:30 Continental Bakers.
9:00 Lucky Strike Prog.
10:00 Ford Annc.
10:01 Bulova Annc.
10:02 Duke Ellington.
10:29 Ford Annc.
10:30 Weather Report.
10:33 Kassel Dance Orch.
11:00 Sylvano Dance Orch.
11:29 Radio Weekly Annc.
11:30 White City.
11:45 Sylvano Dance Orch.
12:00 Bulova Annc.
12:01 Kassel Dance Orch.
12:15 White City.
12:30 Sylvano Dance Orch.
Sign Off 1:00.

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535.7 Meters, 560 Kilocycles.

Wednesday, March 18th, 1931.

6:25 A. M. Uncle John's Family.
7:00 Uncle John's Family.
7:30 Forget-me-not Program.
7:45 Cream of Wheat—N. B. C.
8:00 Bulova Time Clock.
8:30 Vermont Made—N. B. C.
8:45 A. & P. Gypsies—N. B. C.
9:00 Libby-McNeil-Libby—N. B. C.
9:15 Reading Room—Stu Dawson.
9:30 Ford Program.
9:45 Wildroot—N. B. C.
10:00 National Forecast School of Cookery—N. B. C.
10:30 Bulova Signal.
10:31 News Flashes.
10:40 Studio Program.
10:55 Market Reports.
11:00 Around the House.
11:15 Sodiphene Announcement.

11:16		Tellison's Tune Parade.
11:59		Bulova Announcement.
12:00	Noon.	W P C C.
12:30	P. M.	News Flashes.
12:45		Blue Blazes—N. B. C.
1:00		Irma Glenn—N. B. C.
1:15		Breen & DeRose—N. B. C.
1:30		Announcement—O. J. Kelly—Chicago Evening American.
1:31		Leo Terry—Organ.
1:44		Wurlitzer Announcement.
1:45		Melody Three—N. B. C.
2:00		Bulova Announcement.
2:01		Television.
2:15		White City Program.
2:30		Radio Playlet—N. B. C.
3:00		Real Silk Program.
3:15		B. & K. Reporter.
3:20		Foreman & Clark Program.
3:35		Chicago Radio Weekly Announcement.
3:35½		Reading (Hearst Square).
3:45		Ford Program.
4:00		Bulova Announcement.
4:01		White City Program.
4:15		News Flashes.
4:30		Evening American Announcement.
4:31		Television.
4:59		Ford Announcement.
5:00		Black & Gold Room Orchestra—N. B. C.
5:45		Ruth Reed Evening American Announcement.
5:46		Comic Strip.
6:00		Ford Announcement.
6:01		Bulova Announcement.
6:02		Prose and Poetry Program.
6:15		Joe White—N. B. C.

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6:30	P. M.	Ford Announcement.
6:31		Sylvano's Dance Orchestra.
6:44		Evening American Announcement.

6:45		Smith Brothers—N. B. C.
7:00		Jones Program—N. B. C.
7:15		R. C. A. Program—N. B. C.
7:30		Foreman & Clark Announcement.
7:31		Sylvano's Dance Orchestra.
7:44		Ford Announcement.
7:45		Mr. J. Pratt—Assn. of Real Estate Tax Payers.
8:00		Chicago Evening American Announcement.
8:01		Art Kassel's Dance Orchestra.
8:15		Bulova Announcement.
8:16		Television.
8:24		Teakwood Announcement.
8:25		B. & K. Reporter.
8:30		Dodge Program.
8:45		Cermak Campaign Program.
9:00		Evening American Announcement.
9:01		Chicago Theatre.
9:30		Ford Announcement.
9:31		Petite Damsoel Program.
9:45		Sodiphene Announcement.
9:46		Wrestling Match.
10:29		Hayes Announcement.
10:30		Weather Report.
10:33		Art Kassel's Dance Orchestra.
11:00		Bulova Announcement.
11:01		Sylvano's Dance Orchestra.
11:29		Chicago Radio Weekly Announcement.
11:30		White City Dance Orchestra.
11:45		Sylvano's Dance Orchestra.
12:00	Mid.	Bulova Announcement.
12:01	A. M.	Art Kassel's Dance Orchestra.
12:15		White City Dance Orchestra.
12:30		Sylvano's Dance Orchestra.
1:00	A. M.	Sign Off.

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535.7 Meters, 560 Kilocycles.

Thursday, March 19th, 1931.

6:25	A. M.	Uncle John's Family.
7:00		Uncle John's Family.
7:30		Forget-me-not Program.

7:45		Cream of Wheat—N. B. C.
8:00		Bulova Time Clock.
8:30		Vermont Ma*de*—N. B. C.
8:45		A. & P. Program—N. B. C.
9:00		Libby McNeil Libby—N. B. C.
9:15		Swift & Company—N. B. C.
9:30		Ford Program.
9:45		Studio Program.
10:00		Forecast School of Cookery—N. B. C.
10:30		Northam Warren—N. B. C.
10:45		Bulova Announcement.
10:46		News Flashes.
11:00		Around the Home.
11:15		Salzman's Spick & Spanners.
11:30		Tellison's Tune Parade.
11:58		Sodiphene Announcement.
11:59		Bulova Announcement.
12:00	Noon.	W P C C.
12:30	P. M.	News Flashes.
12:45		Wealth of Harmony—N. B. C.
1:00		Irma Glenn—N. B. C.
1:15		Breen & De Rose—N. B. C.
1:30		Evening American Announcement (Kelly).
1:31		Leo Terry Organ.
1:44		Wurlitzer Announcement.
1:45		Melody Three—N. B. C.
2:00		Bulova Announcement.
2:01		Television.
2:15		White City.
2:30		Chicago Serenade—N. B. C.
3:00		Real Silk Program.
3:15		B. & K. Reporter.
3:20		Foreman & Clark Program.
3:35		Chicago Radio Weekly Announcement.
3:35½		Sextet.
3:45		Ford Program.
4:00		Bulova Announcement.
4:01		White City Program.
4:15		News Flashes.
4:30		Evening American Announcement.
4:31		Television.
4:59		Ford Announcement.
5:00		Susan Steele—N. B. C.
5:15		Evening American Announcement.

5:15½		White's Band—N. B. C.
5:30		Kennedy—N. B. C.
5:35		White's Band—N. B. C.
5:45		Ruth Reed Evening American Announcement.
5:46		Jr. League Play Announcement.

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5:47	P. M.	Comic Strip.
6:00		Ford Announcement.
6:01		Bulova Announcement.
6:02		Prose and Poetry Program.
6:09		Foreman & Clark Announcement.
6:11		B. & K. Reporter.
6:15		Ford Announcement.
6:16		Readings.
6:30		Ford Announcement.
6:31		Sylvano's Dance Orchestra.
6:44		Evening American Announcement.
6:45		Jarman Shoe—N. B. C.
7:00		First Nighter—N. B. C.
7:30		Salada Tea—N. B. C.
8:00		Ernie Young.
8:15		Teakwood Program.
8:30		National Sugar—N. B. C.
9:00		Real Silk Program.
9:30		Bulova Announcement.
9:31		B. & K. Reporter.
9:45		Hayes Announcement.
9:46		Sylvano's Dance Orchestra.
9:59		Ford Announcement.
10:00		Bulova Announcement.
10:01		Music Box.
10:30		Weather Report.
10:33		Art Kassel's Dance Orchestra.
11:00		Sylvano's Dance Orchestra.
11:29		Radio Weekly Announcement.
11:30		White City Dance Orchestra.
11:45		Sylvano's Dance Orchestra.
12:00	Mid.	Bulova Announcement.
12:01	A. M.	Kassel's Dance Orchestra.
12:15		White City Dance Orchestra.
12:30		Sylvano's Dance Orchestra.
1:00	A. M.	Sign Off.

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535.7 Meters, 560 Kilocycles.

Friday, March 20th, 1931.

6:25	A. M.	Uncle John's Family.
7:00		Uncle John's Family.
7:30		Forget-me-Not Program.
7:45		Cream of Wheat—N. B. C.
8:00		Bulova Time Clock.
8:30		Vermont Ma*de*—N. B. C.
8:45		A. & P. Program—N. B. C.
9:00		Libby-McNeil-Libby—N. B. C.
9:15		Reading Room—Stu Dawson.
9:30		Ford Program.
9:45		H. J. Heinz—N. B. C.
10:00		Musical Appreciation—N. B. C.
10:45		Bulova Announcement.
10:46		What's Good in Your Cupboard?
11:00		News Flashes.
11:15		Sodiphene Announcement.
11:16		Tellison's Tune Parade.
11:59		Bulova Announcement.
12:00	Noon.	W P C C.
12:30	P. M.	News Flashes.
12:45		Blue Blazes—N. B. C.
1:00		Irma Glenn—N. B. C.
1:15		Breen & De Rose—N. B. C.
1:30		Evening American Announcement—(M. J. Kelly).
1:31		Television.
1:45		Leo Terry—Organ.
2:00		Bulova Announcement.
2:01		Bridge Talk.
2:15		White City Program.
2:30		Chicago Serenade—N. B. C.
3:00		Real Silk Program.
3:15		B. & K. Reporter.
3:20		Foreman & Clark Program.
3:35		Radio Weekly Announcement.
3:35½		Reading (Hearst Square).

3:45 Ford Program.
4:00 Bulova Announcement.
4:01 White City Program.
4:15 News Flashes.
4:29 Certified Auto Sales Evening American Announcement.
4:30 Moore Paint Company—N. B. C.
4:45 Television.
4:59 Ford Announcement.
5:00 Saltzmann's Rest. Orchestra—N. B. C.
5:30 Foreman & Clark Announcement.
5:31 Saltzmann's Rest. Orchestra—N. B. C.
5:45 Ruth Reed Evening American Announcement.
5:46 Jr. League Play Announcement.
5:47 Comic Strip.
5:58 Ford Announcement.
5:59 Bulova Announcement.
6:00 W P C C.

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6:30 P. M. Ford Announcement.
6:31 Chicago Theatre.
6:43 Ford Announcement.
6:44 Chicago Evening American Announcement.
6:45 Brownbilt Program—N. B. C.
7:00 Nestle's Program—N. B. C.
7:30 Hayes Program.
7:45 Craddock Terry—N. B. C.
8:00 Clicquot Program—N. B. C.
8:30 Bulova Announcement.
8:31 Ford Program.
9:00 Foreman & Clark Program.
9:15 Sodiphene Announcement.
9:15½ B. & K. Reporter.
9:20 Sylvano's Dance Orchestra.
9:29 Wurlitzer Announcement.
9:30 R. K. O. Program—N. B. C.
10:00 Harding Market Announcement.
10:01 Bulova Announcement.
10:02 Wee Bit O' Scotch.
10:15 Ford Announcement.

10:16		Modern Maids.
10:30		Weather Report.
10:33		Art Kassel's Dance Orchestra.
11:00		Bulova Announcement.
11:01		Sylvano's Dance Orchestra.
11:29		Radio Weekly Announcement.
11:30		White City Dance Orchestra.
11:45		Sylvano's Dance Orchestra.
12:00	Mid.	Bulova Announcement.
12:01	A. M.	Art Kassel's Dance Orchestra.
12:15		White City Dance Orchestra.
12:30		Sylvano's Dance Orchestra.
1:00	A. M.	Sign Off.

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535.7 Meters, 560 Kilocycles.

Saturday, March 21st, 1931.

6:25	A. M.	Uncle John's Program.
7:00		Uncle John's Program.
7:30		Forget-me-not Program.
7:45		Cream of Wheat—N. B. C.
8:00		Bulova Time Clock.
8:30		Vermont Made—N. B. C.
8:45		A & P Program—N. B. C.
9:00		Song Cycle.
9:15		Reading Room.
9:30		Ford Program.
9:45		Bulova Announcement.
9:46		Tellison's Tunes.
10:30		News Flashes.
10:40		Studio Program.
10:55		Market Reports.
11:00		Around the House.
11:15		Sodiphene Announcement.
11:16		Tellison's Tune Parade.
11:59		Bulova Announcement.
12:00	Noon	W P C C.
12:30	P. M.	News Flashes.
12:45		V. Lopez—N. B. C.
1:00		Organ Melodies—N. B. C.

1:30 Kelly Evening American Announcement.
1:30 Gloom Chasers—N. B. C.
1:45 Bulova Announcement.
1:46 Television.
2:15 White City Program.
2:30 Chicago Serenade—N. B. C.
3:00 Studio Program.
3:15 B & K reporter.
3:20 Foreman & Clark Program.
3:35 Chicago Radio Weekly Announcement.
3:35½ Sextet.
3:45 Ford Program.
4:00 Bulova Announcement.
4:01 White City Program.
4:15 Evening American Announcement.
4:16 Studio.
4:30 Evening American Announcement & Ford Annc.
4:31 Television.
4:59 Ford Announcement.
5:00 High Road of Adventure—N. B. C.
5:15 Classic Trio—N. B. C.
5:30 Dr. Williams—N. B. C.
5:45 Ruth Reed Evening American Announcement.
5:46 Comic Strip.
6:00 Ford Announcement.
6:01 Bulova Announcement.
6:02 Prose & Poetry Program.
6:09 Foreman & Clark Announcement.

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6:10 P. M. B & K Reporter.
6:15 Thompson Campaign Program.
6:30 Ford Announcement.
6:31 Sylvano's Orchestra.
6:45 David Jackson.
7:00 Weber & Fields—N. B. C.
7:15 R. C. A. Program—N. B. C.
7:30 Fuller Brush—N. B. C.
8:00 Chicago Evening American Announcement.
8:01 Swimming Meet—N. B. C.
8:30 Evening American Announcement.

8:31		Bulova Announcement.
8:32		Studio Program.
8:44		Ford Announcement.
8:45		Cermak Campaign Program.
9:00		Ku Ku Program—N. B. C.
9:30		Hayes Announcement.
9:31		B & K Program.
9:45		Ford Announcement.
9:46		Sylvano's Orchestra.
10:00		Bulova Announcement.
10:01		Music Box Orchestra.
10:30		Weather Report.
10:33		Art Kassel's Orchestra.
11:00		Sylvano's Orchestra.
11:29		Chicago Radio Weekly Announcement.
11:30		White City Program.
11:45		Sylvano's Orchestra.
12:00	Mid.	Bulova Announcement.
12:01	A. M.	Art Kassel's Orchestra.
12:1[illegible]		White City Orchestra.
12:30		Sylvano's Orchestra.
1:00		Sign Off.

1591 *W I B O Program Log.*

535.7 Meters, 560 Kilocycles.

Sunday, March 22nd, 1931.

7:30	A. M.	Tone Pictures—N. B. C.
8:00		Swedish Religious Service.
10:00		Sign Off.
12:30	P. M.	Little Jack Little—N. B. C.
12:45		Studio Program.
1:00		B & K Reporter.
1:05		Meditations of Man.
1:30		Copeland Smith League.
2:30		Bulova Announcement.
2:31		Music Box.
3:00		Norwegian Hour.
4:00		Dr. Fosdick—N. B. C.
5:00		Marg. Olson—N. B. C.
5:15		Radio Luminaries—N. B. C.
5:30		Northern Lights—N. B. C.

5:57		Weather Report.
6:00		Sign Off.
7:00		Chase & Sanborn—N. B. C.
8:00		Sign Off.
12:00	Mid.	Bulova Announcement.
12:01	A. M.	Art Kassel's Orchestra.
12:15		White City Orchestra.
12:30		Sylvano Orchestra.
1:00		Sign Off.

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535.7 Meters, 560 Kilocycles.

Monday, March 23rd, 1931.

6:25	A. M.	Uncle John's Program.
7:00		Uncle John's Program.
7:30		Forget-me-not Program.
7:45		Cream of Wheat—N. B. C.
8:00		Bulova Time Clock.
8:30		Vermont Made—N. B. C.
8:45		A. & P. Program—N. B. C.
9:00		Drug Speech—N. B. C.
9:15		Reading Room.
9:30		Ford Program.
9:45		Musical Interlude.
10:00		Bulova Announcement.
10:01		Tellison's Program.
10:30		Market Reports.
10:40		Studio.
10:55		News Flashes.
11:00		Around the House.
11:15		Salzman's Spick & Spanners.
11:30		Sodiphene Announcement.
11:30½		Tellison's Tune Parade.
11:59		Bulova Announcement.
12:00	Noon.	W P C C.
12:30	P. M.	News Flashes.
12:45		Hotel New Yorker—N. B. C.
1:00		Association of Commerce Lunch—N. B. C.
1:30		Chicago Evening American Announcement.
1:31		Leo Terry Organ.
1:45		Bulova Announcement.

1:46 Television.
2:15 White City Program.
2:30 Chicago Serenade—N. B. C.
3:00 Real Silk Program.
3:15 B. & K. Reporter.
3:20 Foreman & Clark Program.
3:35 Chicago Radio Weekly Announcement.
3:35½ Reading (Hearst Square).
3:45 Ford Program.
4:00 Bulova Announcement.
4:01 White City Program.
4:15 News Flashes.
4:30 Chicago Evening American Announcement.
4:31 Television.
4:59 Ford Announcement.
5:00 Ford and Wallace—N. B. C.
5:14 Fashion Bureau Announcement.
5:15 Mormon Tabernacle—N. B. C.
5:45 Ruth Reed Evening American Announcement.
5:46 Comic Strip.
6:00 Ford Announcement.
6:01 Bulova Announcement.
6:02 Wesley Long.

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6:15 P. M. Prose and Poetry Program.
6:30 Ford Announcement.
6:31 Snowball & Willie.
6:40 B. & K. Reporter.
6.44½ Sodiphene Announcement.
6:45 Mrs. Hoover—N. B. C.
7:05 W P C C.
7:30 Copeland Smith League.
8:00 Chicago Evening American Announcement.
8:01 Wee Bit O' Scotch.
8:14 Bulova Announcement.
8:15 Wm. Hale Thompson Campaign Program.
8:30 Foreman and Clark Announcement.
8:31 Speaker (Studio).
8:36 Swedish Program.
9:00 Ford Announcement.
9:01 Modern Maids.

9:14		Hayes Announcement.
9:15		Life Insurance Play.
9:30		Bulova Announcement.
9:31		Cermak Campaign Program.
10:30		Ford Announcement.
10:31		Weather Report.
10:34		Art Kassel's Dance Orchestra.
10:59		Evening American Fashion Bureau Announcement.
11:00		Sylvano's Dance Orchestra.
11:29		Chicago Radio Weekly Announcement.
11:30		White City Dance Orchestra.
11:45		Sylvano's Dance Orchestra.
12:00	Mid.	Bulova Announcement.
12:01	A. M.	Art Kassel's Dance Orchestra.
12:15		White City Dance Orchestra.
12:30		Sylvano's Dance Orchestra.
1:00	A. M.	Sign Off.

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535.7 Meters, 560 Kilocycles.

Tuesday, March 24th, 1931.

6:25	A. M.	Uncle John's Program.
7:00		Uncle John's Program.
7:30		Forget-me-not Program.
7:45		Cream of Wheat—N. B. C.
8:00		Bulova Time Clock.
8:15		Calsodent Program—N. B. C.
8:30		Vermont Made—N. B. C.
8:45		A. & P. Program—N. B. C.
9:00		Song Cycle.
9:15		Reading Room.
9:30		Ford Program.
9:45		Heinz Program—N. B. C.
10:00		Forecast School of Cookery—N. B. C.
10:30		Market Reports.
10:40		Bulova Announcement.
10:41		Studio.
10:55		News Flashes.
11:00		Around the House.

11:15		Sodiphene Announcement.
11:15½		Tellison's Tune Parade.
11:59		Bulova Announcement.
12:00	Noon.	W P C C.
12:30	P. M.	News Flashes.
12:45		U. S. Navy Band—N. B. C.
1:00		Irma Glenn—N. B. C.
1:15		Breen & DeRose—N. B. C.
1:30		Evening American Announcement.
1:31		Leo Terry—Organ.
1:45		Television.
2:00		Bulova Announcement.
2:01		Bridge Club.
2:15		Evening American Fashion Bureau Announcement.
2:16		White City Program.
2:30		Chicago Serenade—N. B. C.
3:00		Real Silk Program.
3:15		B. & K. Reporter.
3:20		Foreman & Clark Program.
3:35		Radio Weekly Announcement.
3:35½		Sextet.
3:45		Ford Program.
4:00		Bulova Announcement.
4:01		White City Program.
4:15		News Flashes.
4:30		Chicago Evening American Announcement.
4:31		Television.
4:59		Ford Announcement.
5:00		Black & Gold Room Orchestra—N. B. C.
5:30		Fashion Bureau Evening American Announcement.
5:30½		Who's Behind the Name?—N. B. C.
5:45		Ruth Reed Evening American Announcement.
5:46		Comic Strip.

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6:00	P. M.	Ford Announcement.
6:01		Bulova Announcement.
6:02		Prose & Poetry Program.
6:15		Wm. Hale Thompson Campaign Program.

6:30		Ford Announcement.
6:31		Snowball and Willie.
6:40		B. & K. Reporter.
6:44		Chicago Evening American Announcement.
6:45		Foreman & Clark Announcement.
6:46		Speaker (Studio).
6:59		Hayes Announcement.
7:00		Waitt & Bond—N. B. C.
7:30		W P C C.
8:00		Evening American Announcement.
8:01		Cermak Campaign Program.
8:15		Bulova Announcement.
8:16		Ernie Young Program.
8:30		Continental Bakers—N. B. C.
9:00		Lucky Strike Program—N. B. C.
10:00		O. H. Caldwell—N. B. C.
10:15		Bulova Announcement.
10:16		Cermak Campaign Program.
10:30		Ford Announcement.
10:31		Weather Report.
10:34		Art Kassel's Dance Orchestra.
11:00		Fashion Bureau Evening American Announcement.
11:01		Sylvano's Dance Orchestra.
11:29		Chicago Radio Weekly Announcement.
11:30		White City Dance Orchestra.
11:45		Sylvano's Dance Orchestra.
12:00	Mid.	Bulova Announcement.
12:01	A. M.	Art Kassel's Dance Orchestra.
12:15		White City Dance Orchestra.
12:30		Sylvano's Dance Orchestra.
1:00	A. M.	Sign Off.

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W I B O Program Log.

535.7 Meters, 560 Kilocycles.

Wednesday, March 25th, 1931.

6:25	A. M.	Uncle John's Program.
7:00		Uncle John's Program.
7:30		Forget-me-not Program.
7:45		Cream of Wheat—N. B. C.
8:00		Bulova Time Clock.

8:30		Vermont Made—N. B. C.
8:45		A & P Program—N. B. C.
9:00		Libby McNeill—N. B. C.
9:15		Reading Room.
9:45		Wildroot Program—N. B. C.
10:00		Forecast School—N. B. C.
10:30		Studio.
10:40		Bulova Announcement.
10:41		Studio.
10:55		News Flashes.
11:00		Around the House.
11:15		Sodiphene Announcement.
11:15½		Tellison's Tune Parade.
11:59		Bulova Announcement.
12:00	Noon	W P C C.
12:30	P. M.	News Flashes.
12:45		Blue Blazers—N. B. C.
1:00		Irma Glenn—N. B. C.
1:15		Breen & DeRose—N. B. C.
1:30		Chicago Evening American Announcement.
1:31		Leo Terry Organ.
1:45		Melody Three—N. B. C.
2:00		Bulova Announcement.
2:01		Television.
2:15		Fashion Bureau Announcement.
2:16		White City Program.
2:30		Radio Playlet—N. B. C.
3:00		Real Silkers Program.
3:15		B & K Reporter.
3:20		Foreman & Clark Program.
3:35		Chicago Radio Weekly Announcement.
3:35½		Reading (Hearst Square).
3:45		Studio.
4:00		Bulova Announcement.
4:01		White City Program.
4:15		News Flashes.
4:30		Chicago Evening American Announcement.
4:31		Television.
4:59		Ford Announcement.
5:00		Fred H. Payne—N. B. C.
5:15		Black & Gold Room Orchestra—N. B. C.
5:45		Ruth Reed Evening American Announcement.

5:46 Comic Strip.
6:00 Ford Announcement.
6:01 Bulova Announcement.
6:02 Ass. School Commerce Contest.
6:07 Snowball & Willie.

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6:15 P. M. Dr. Rockwell (Hearst Square).
6:30 Baldwin Announcement.
6:30½ Cermak Campaign Program.
6:44 Evening American Announcement.
6:45 Smith Brothers—N. B. C.
7:00 Jones Program—N. B. C.
7:15 R. C. A. Program—N. B. C.
7:30 Foreman & Clark Announcement.
7:31 Sylvano's Orchestra.
7:40 B & K Reporter.
7:44 Bond Clothes Announcement.
7:45 Mr. J. Pratt (Assn. of Real Estate Tax Payers).
8:00 Chicago Evening American Announcement.
8:01 Art Kassel's Dance Orchestra.
8:14 Bulova Announcement.
8:15 Television.
8:30 Hayes Announcement.
8:31 Wee Bit O' Scotch.
8:45 Cermak Campaign Program.
9:00 Teakwood Announcement.
9:01 Chicago Theatre.
9:30 Paxton Hotel Announcement.
9:31 Petite Damoselle Concert.
9:44 Bond Clothing Announcement.
9:45 Wm. Hale Thompson Campaign Program.
10:00 Bulova Announcement.
10:01 Nellie Revelle—N. B. C.
10:15 Sodiphene Announcement.
10:15½ Modern Maids.
10:30 Weather Report.
10:33 Art Kassel's Dance Orchestra.
11:00 Fashion Bureau Announcement.
11:01 Sylvano's Dance Orchestra.
11:29 Chicago Radio Weekly Announcement.
11:30 White City Dance Orchestra.

11:45		Sylvano's Dance Orchestra.
12:00	Mid.	Bulova Announcement.
12:01	A. M.	Art. Kassel's Orchestra.
12:15		White City Dance Orchestra.
12:30		Sylvano's Dance Orchestra.
1:00	A. M.	Sign Off.

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535.7 Meters, 560 Kilocycles.

Thursday, March 26th, 1931.

6:25		Uncle John's Program.
7:00		Uncle John's Program.
7:30		Forget-me-not Program.
7:45		Cream of Wheat—N. B. C.
8:00		Bulova Time Clock.
8:30		Vermont Made—N. B. C.
8:45		A & P Program—N. B. C.
9:00		Libby McNeil—N. B. C.
9:15		Swift & Company—N. B. C.
9:30		Reading Room—Stu Dawson.
9:59		Bulova Announcement.
10:00		Forecast School of Cookery—N. B. C.
10:30		Northam Warren—N. B. C.
10:45		News Flashes.
11:00		Around the House.
11:15		Sodiphene Announcement.
11:15½		Saltzmann's Spick and Spanners.
11:30		Tellison's Tune Parade.
11:59		Bulova Time.
12:00	Noon	W P C C.
12:30	P. M.	News Flashes.
12:45		Wealth of Harmony—N. B. C.
1:00		Irma Glenn—N. B. C.
1:15		Breen & DeRose—N. B. C.
1:30		Chicago Evening American Announcement.
1:31		Leo Terry Organ.
1:44		Bulova Announcement.
1:45		London Broadcast—N. B. C.
2:29		Bond Announcement.

2:30	White City Program.
2:45	Chicago Serenade—N. B. C.
3:00	Real Silkers Program.
3:15	B & K Reporter.
3:20	Foreman & Clark Program.
3:35	Chicago Radio Weekly Announcement.
3:35½	Sextet.
3:45	Paxton Apt. Hotel Announcement.
3:45½	Studio.
3:50	Bond Announcement.
4:00	Bulova Announcement.
4:01	White City Program.
4:15	News Flashes.
4:30	Chicago Evening American Announcement.
4:31	Television.
4:59	Ford Announcement.
5:00	Black & Gold Room Orchestra—N. B. C.
5:15	Bond Announcement.
5:15½	White's Band—N. B. C.
5:30	Kennedy—N. B. C.
5:35	White's Band—N. B. C.
5:45	Ruth Reed Evening American Announcement.
5:46	Jr. League Play Announcement.
5:46½	Comic Strip.
6:00	Ford Announcement.

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6:02	Prose and Poetry Program.
6:14	Foreman and Clark Announcement.
6:15	Wm. Hale Thompson Campaign Program.
6:30	Hayes Announcement.
6:31	Snowball & Willie.
6:40	B & K Reporter.
6:44	Evening American Announcement.
6:45	Jarman Shoe—N. B. C.
7:00	First Nighter—N. B. C.
7:30	Salada Tea—N. B. C.
8:00	Bulova Announcement.
8:01	Ernie Young Program.
8:15	Teakwood Program.
8:30	National Sugar—N. B. C.
9:00	Real Silk Program.

9:30		Bulova Announcement.
9:31		Bond Clothing Hockey Game (Chicago Stadium).
10:30		Weather Report.
10:33		Art Kassel's Dance Orchestra.
11:00		Baldwin Announcement.
11:01		Sylvano's Dance Orchestra.
11:29		Chicago Radio Weekly Announcement.
11:30		White City Dance Orchestra.
11:45		Sylvano's Dance Orchestra.
12:00	Mid.	Bulova Announcement.
12:01	A. M.	Art Kassel's Dance Orchestra.
12:15		White City Dance Orchestra.
12:30		Sylvano's Dance Orchestra.
1:00	A. M.	Sign Off.

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535.7 Meters, 560 Kilocycles.

Friday, March 27th, 1931.

6:25	A. M.	Uncle John's Program.
7:00		Uncle John's Program.
7:30		Forget-me-not Program.
7:45		Cream of Wheat—N. B. C.
8:00		Bulova Time Clock.
8:30		Vermont Made—N. B .C.
8:45		A. & P. Program—N. B. C.
9:00		Studio Program.
9:15		Reading Room—Stu Dawson.
9:45		H. J. Heinz—N. B. C.
10:00		Bulova Announcement.
10:01		Musical Appreciation—N. B. C.
10:45		What's Good in Your Cupboard.
11:00		News Flashes.
11:15		Tellison's Tune Parade.
11:58		Sodiphene Announcement.
11:59		Bulova Announcement.
12:00	Noon.	W P C C.
12:30	P. M.	News Flashes.
12:45		Blue Blazes—N. B. C.
1:00		Irma Glenn—N. B. C.
1:15		Breen & DeRose—N. B. C.

1:30 Chicago Evening American Announcement.
1:31 Television.
1:45 Leo Terry Organ.
2:00 Bulova Announcement.
2:01 Bridge Club.
2:15 White City Program.
2:30 Chicago Serenade—N. B. C.
3:00 Real Silkers Program.
3:15 B. & K. Reporter.
3:20 Foreman & Clark Program.
3:35 Chicago Radio Weekly Announcement.
3:35½ Reading (Hearst Square).
3:45 Paxton Apt. Hotel Announcement.
3:46 Studio.
4:00 Bulova Announcement.
4:01 White City Program.
4:15 News Flashes.
4:29 Chicago Evening American Announcement.
4:30 Moore Paint Company—N. B. C.
4:45 Foreman & Clark Announcement.
4:46 Television.
5:00 Salzman's Rest. Orchestra—N. B. C.
5:45 Ruth Reed Evening American Announcement.
5:46 Jr. League Play Announcement.
5:46½ Comic Strip (Hearst Square).
6:00 Bulova Announcement.
6:01 W P C C.
6:30 Wm. Hale Thompson Campaign Program.
6:44 Chicago Evening American Announcement.

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6:45 P. M. Brownbilt Program—N. B. C.
7:00 Nestle's Program—N. B. C.
7:30 Hayes Program.
7:45 Craddock Terry—N. B. C.
8:00 Cliquot Club Program—N. B. C.
8:30 Bulova Announcement.
8:31 B. & K. Program.
8:45 Bailey Program.
9:00 Foreman & Clark Program.
9:15 Cermak Campaign Program.

9:30		R K O Program—N. B. C.
10:00		Bulova Announcement.
10:01		Wee Bit O' Scotch.
10:15		Sodiphene Anouncement.
10:15½		Modern Maids.
10:30		Weather Report.
10:33		Art Kassel's Dance Orchestra.
11:00		Baldwin Announcement.
11:01		Sylvano's Dance Orchestra.
11:29		Chicago Radio Weekly Announcement.
11:30		White City Dance Orchestra.
11:45		Sylvano's Dance Orchestra.
12:00	Mid.	Bulova Announcement.
12:01	A. M.	Art Kassel's Dance Orchestra.
12:15		White City Dance Orchestra.
12:30		Sylvano's Dance Orchestra.
1:00	A. M.	Sign Off.

1602 *W I B O Program Log.*

535.7 Meters, 560 Kilocycles.

Saturday, March 28th, 1931.

6:25	A. M.	Uncle John's Program.
7:00		Uncle John's Program.
7:30		Forget-me-not Program.
7:45		Cream of Wheat—N. B. C.
8:00		Bulova Time Signal.
8:30		Vermont Made—N. B. C.
8:45		A. & P. Program—N. B. C.
9:00		Song Cycle.
9:15		Reading Room—Stu Dawson.
9:45		Tellison's Tune Parade.
10:30		Bulova Announcement.
10:31		News Flashes.
10:40		Studio Program.
10:55		Market Reports.
11:00		Around the Home.
11:15		Sodiphene Announcement.
11:16		Tellison's Tune Parade.
11:59		Bulova Announcement.
12:00	Noon.	W P C C.

12:30 P. M. News Flashes.
12:45 V. Lopez—N. B. C.
1:00 Irma Glenn—N. B. C.
1:30 Evening American Announcement.
1:30½ Gloom Chasers—N. B. C.
1:45 Bulova Announcement.
1:46 Television.
2:15 White City Program.
2:30 Chicago Serenade—N. B. C.
3:00 Studio Program.
3:15 B. & K. Reporter.
3:20 Foreman & Clark Program.
3:35 Chicago Radio Weekly Announcement.
3:35½ Sextet.
3:45 Paxton Hotel Announcement.
3:46 Studio Program.
4:00 Bulova Announcement.
4:01 White City Program.
4:15 Studio Program.
4:30 Evening American Announcement.
4:31 Television.
5:00 High Road of Adventure—N. B. C.
5:15 Black and Gold Room Orchestra—N. B. C.
5:45 Ruth Reed Evening American Announcement.
5:46 Comic Strip.
6:00 Bulova Announcement.
6:01 Wesley Long—Television.
6:15 Prose and Poetry Program.
6:30 Snowball & Willie.
6:40 B. & K. Reporter.
6:45 Foreman & Clark Announcement.
6:46 David Jackson.

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7:00 Weber & Fields—N. B. C.
7:15 R. C. A. Program—N. B. C.
7:30 Fuller Brush Program—N. B. C.
8:00 Evening American Announcement.
8:01 Art Kassel's Dance Orchestra.
8:15 Bulova Announcement.
8:16 Musical Moments.

8:45		Cermak Campaign Program.
9:00		Ku Ku Program—N. B. C.
9:30		B. & K. Reporter.
9:44		Hayes Announcement.
9:45		Wm. Hale Thompson Campaign Program.
10:00		Bulova Announcement.
10:01		Music Box.
10:30		Weather Report.
10:33		Art Kassel's Dance Orchestra.
11:00		Baldwin Announcement.
11:01		Sylvano's Dance Orchestra.
11:29		Chicago Radio Weekly Announcement.
11:30		White City Dance Orchestra.
11:45		Sylvano's Dance Orchestra.
12:00	Mid.	Bulova Announcement.
12:01	A. M.	Art Kassel's Dance Orchestra.
12:15		White City Dance Orchestra.
12:30		Sylvano's Dance Orchestra.
1:00	A. M.	Sign Off.

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535.7 Meters, 560 Kilocycles.

Sunday, March 29th, 1931.

7:30	A. M.	Tone Pictures—N. B. C.
8:00		Swedish Religious Service.
10:00	A. M.	Sign Off.
12:30	P. M.	Little Jack Little—N. B. C.
12:45		Studio Program.
1:00		B. & K. Reporter.
1:05		Meditations of Man.
1:30		Copeland Smith League.
2:30		Bulova Announcement.
2:31		Music Box.
3:00		Norwegian Hour.
4:00		Dr. Fosdick—N. B. C.
5:00		White City Program.
5:42		Weather Report.
5:45		Cermak Campaign Talk.
6:00	P. M.	Sign Off.
7:00	P. M.	Chase & Sanborn—N. B. C.

8:00	P. M.	Sign Off.
12:00	Mid.	Bulova Announcement and Hockey Game Announcement.
12:01	A. M.	Art Kassel's Dance Orchestra.
12:15		White City Dance Orchestra.
12:30		Sylvano's Dance Orchestra.
1:00	A. M.	Sign Off.

1605 *W I B O Program Log.*

535.7 Meters, 560 Kilocycles.

Monday, March 30th, 1931.

6:25	A. M	Uncle John's Program.
7:00		Uncle John's Program.
7:30		Forget-me-not Program.
7:45		Cream of Wheat—N. B. C.
8:00		Bulova Time Clock.
8:30		Studio Program.
8:45		A. & P. Program—N. B. C.
9:00		Drug Speech—N. B. C.
9:15		Reading Room—Stu Dawson.
9:45		Musical Interlude.
10:00		Bulova Announcement.
10:01		Tellison's Tune Parade.
10:30		News Flashes.
10:40		Studio Program.
10:55		Market Reports.
11:00		Around the House.
11:15		Salzman's Spick & Spanners.
11:30		Sodiphene Announcement.
11:31		Tellison's Program.
11:59		Bulova Announcement.
12:00	Noon.	W P C C.
12:30	P. M.	News Flashes.
12:45		Hotel New Yorker—N. B. C.
1:00		Irma Glenn—N. B. C.
1:15		Breen & DeRose—N. B. C.
1:30		Chicago Evening American Announcement.
1:31		Leo Terry—Organ.
1:45		Bulova Announcement.
1:46		Television.
2:15		White City Program.

2:30	Chicago Serenade—N. B. C.
3:00	Real Silk Program.
3:15	B. & K. Reporter.
3:20	Foreman & Clark Program.
3:35	Chicago Radio Weekly Announcement.
3:35½	Reading (Hearst Square).
3:45	Bulova Announcement.
3:46	Studio Giant Finger Program.
4:00	Apartment Announcement.
4:01	White City Program.
4:15	Bulova Announcement.
4:16	News Flashes.
4:30	Chicago Evening American Announcement.
4:31	Television.
5:00	Ford & Wallace—N. B. C.
5:15	Louis Armstrong Announcement.
5:15½	Mormon Tabernacle—N. B. C.
5:45	Ruth Reed Evening American Announcement.
5:46	Comic Strip (Hearst Square).
6:15	Bulova Announcement.
6:15½	Prose and Poetry Program.
6:30	Snowball and Willie.
6:40	B. & K. Reporter.

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6:45 P. M.	Congressman Heckstein—N. B. C.
7:00	Sodiphene Announcement.
7:00½	W P C C.
7:30	Copeland Smith League.
8:00	Evening American Announcement.
8:01	Art Kassel's Dance Orchestra.
8:14	Bulova Announcement.
8:15	Wm. Hale Thompson Campaign Program.
8:30	Swedish Program Announcement.
8:30½	Speaker (Studio).
8:35	Foreman & Clark Announcement.
8:36	Studio.
8:40	Cermak Campaign Program.
9:10	Hayes Announcement.
9:11	Studio.
9:15	Life Insurance Play.
9:30	Cermak Campaign Program.

10:00		Bulova Announcement.
10:01		Wee Bit O' Scotch.
10:15		Louis Armstrong Announcement.
10:16		Modern Maids.
10:30		Weather Report.
10:33		Art Kassel's Dance Orchestra.
11:00		Paxton Apartment Announcement.
11:01		Sylvano's Dance Orchestra.
11:29		Chicago Radio Weekly Announcement.
11:30		White City Dance Orchestra.
11:45		Sylvano's Dance Orchestra.
12:00	Mid.	Bulova Announcement.
12:01	A. M.	Art Kassel's Dance Orchestra.
12:15		Louis Armstrong Announcement.
12:15½		White City Dance Orchestra.
12:30		Sylvano's Dance Orchestra.
1:00	A. M.	Sign Off.

1607 *W I B O Program Log.*

535.7 Meters, 560 Kilocycles.

Tuesday, March 31st, 1931.

6:25	A. M.	Uncle John's Program.
7:00		Uncle John's Program.
7:30		Forget-me-not Program.
7:45		Cream of Wheat—N. B. C.
8:00		Bulova Time Clock.
8:15		Calsodent Program—N. B. C.
8:30		Studio.
8:45		A. & P. Program—N. B. C.
9:00		Song Cycle.
9:15		Bulova Announcement.
9:16		Reading Room—Stu Dawson.
9:45		Heinz—N. B. C.
10:00		Forecast School of Cookery—N. B. C.
10:30		News Flashes.
10:40		Studio.
10:54		Bulova Announcement.
10:55		Market Reports.
11:00		Around the House.
11:16		Tellison's Tune Parade.

11:59		Bulova Announcement.
12:00	Noon.	W P C C.
12:30	P. M.	News Flashes.
12:45		U. S. Navy Band—N. B. C.
1:00		Irma Glenn—N. B. C.
1:15		Breen & DeRose—N. B. C.
1:30		Evening American Announcement.
1:31		Leo Terry—Organ.
1:45		Television.
2:00		Bulova Announcement.
2:01		Bridge Club.
2:15		Paxton Apt. Hotel Announcement.
2:16		White City Program.
2:30		Chicago Serenade—N. B. C.
3:00		Real Silk Program.
3:15		B. & K. Reporter.
3:20		Foreman & Clark Program.
3:35		Chicago Radio Weekly Announcement.
3:35½		Sextet.
3:44		Baldwin Announcement.
3:45		Giant Finger Program.
4:00		Apartment Announcement.
4:01		White City Program.
4:15		Bulova Announcement.
4:16		News Flashes.
4:30		Evening American Announcement.
4:31		Television.
5:00		Black & Gold Room Orchestra—N. B. C.
5:30		Show Boat Announcement.
5:30½		Who's Behind the Name?—N. B. C.
5:45		Ruth Reed Evening American Announcement.
5:46		Comic Strip (Hearst Square).
6:00		Ass. School Commerce Contest (Hearst Square).
6:05		Bulova Announcement.

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6:06	P. M.	Prose & Poetry Program.
6:14		Hayes Announcement.
6:15		Wm. Hale Thompson Campaign Program.
6:30		Snowball & Willie.

6:40		B. & K. Reporter.
6:44		Evening American Announcement.
6:45		Speaker (Hearst Square).
6:59		Foreman & Clark Announcement.
7:00		Waitt & Bond—N. B. C.
7:30		W P C C.
8:00		Evening American Announcement.
8:00½		Cermak Campaign Program.
8:15		Bulova Announcement.
8:16		Ernie Young Program.
8:30		Continental Bakers—N. B. C.
9:00		Bulova Announcement.
9:00½		Wm. Hale Thompson Campaign Program.
10:30		Show Boat Announcement & Kassel Announcement.
10:30½		Hockey Game.
10:45		Art Kassel's Orchestra.
11:00		Weather Report.
11:03		Sylvano's Dance Orchestra.
11:29		Chicago Radio Weekly Announcement.
11:30		White City Dance Orchestra.
11:45		Sylvano's Dance Orchestra.
12:00	Mid.	Bulova Announcement.
12:01	A. M.	Art Kassel's Dance Orchestra.
12:15		Show Boat Announcement.
12:16		White City Dance Orchestra.
12:30		Sylvano's Dance Orchestra.
1:00	A. M.	Sign Off.

Docket No. 1156.

WIBO Exhibit 12-A.

Hart, Dice & Carlson, Official Reporters.

Apr. 29, 1931.

Introduced at Hearing Before Federal Radio Commission.

WIBO.

74 N. B. C. Chain Programs on WIBO, Week Ending Feb. 21, 1931.

	Program.	Description.
Monday.		
A. M.		
7:45— 8:00	Cream of Wheat	Children's stories.
8:30— 8:45	Vermont Maid	Popular Musical Quartet.
8:45— 9:00	A & P Tea Co.	Dietetic Food Talks.
9:00— 9:15	Health Educational (Sustaining)	Drug & Food Talks.
P. M.		
1:15— 1:30	Al & Pete (Sustaining)	Harmony Team.
2:30— 3:00	Chicago Serenaders (Sustaining)	15 Pc. Concert Orch.
Tuesday.		
A. M.		
7:45— 8:00	Cream of Wheat	Children's stories.
8:15— 8:30	Calsodent	Health Talks on Hygiene.

WIBO Exhibit 12-A—Continued.

	Program.	Description.
8:30— 8:45	Vermont Maid	Popular Musical Quartet.
8:45— 9:00	A & P Tea Co.	Dietetic Food Talks.
9:45—10:00	H. J. Heinz	Food Menus.
10:00—10:30	Forecast School of Cookery	Food Recipes.
P. M.		
1:15— 1:30	Al & Pete (Sustaining)	Harmony Team.
2:30— 3:00	Chicago Serenaders (Sustaining)	15 Pc. Concert Orch.
6:30— 6:45	Phil Cook	Humorous 1 Man Show.
7:00— 7:30	Waitt & Bond	Musical & Duo.
8:30— 9:00	Continental Bakers	Popular Orchestra.
9:00—10:00	Lucky Strike	Popular Orchestra.
Wednesday.		
A. M.		
7:45— 8:00	Cream of Wheat	Children's stories.
8:30— 8:45	Vermont Maid	Popular Musical Quartet.
8:45— 9:00	A & P Tea Co	Dietetic Food Talks.
9:00— 9:15	Libby, McNeil & Libby	Food Menus.
9:45—10:00	Wildroot	Hair Health.
10:00—10:30	Forecast School of Cookery	Food Recipes.
1610		
P. M.		
12:45— 1:00	Little Jack Little (Sustaining)	Popular Songs with Piano.

1:15— 1:30	Al & Pete (Sustaining)	Harmony Team.
2:30— 3:00	Radio Playhouse (Sustaining)	Musical Dramatic.
6:30— 6:45	Phil Cook	Humorous 1 Man Show.
6:45— 7:00	Smith Bros.	Orchestra with soloists.
7:00— 7:15	Bobby Jones	World Golf Champion.
7:15— 7:30	R. C. A.	"Bugs" Baer, Orch. & Vocal.

Thursday.

A. M.

7:45— 8:00	Cream of Wheat	Children's stories.
8:30— 8:45	Vermont Maid	Popular Musical Quartet
8:45— 9:00	A & P	Dietetic Food Talk.
9:00— 9:15	Libby, McNeil & Libby	Food Menus.
9:15— 9:30	Swift & Co.	Plants & Gardens Talks.
10:00—10:30	Forecast School of Cookery	Food Recipes.
10:30—10:45	Northam Warren	Character Analysis.

P. M.

1:15— 1:30	Al & Pete (Sustaining)	Harmony Team.
2:30— 3:00	Chicago Serenaders (Sustaining)	15 Pc. Concert Orch.
6:30— 6:45	Phil Cook	Humorous 1 Man Show.
6:45— 7:00	Jarmon Shoe Co.	Orchestra with Voice.
7:00— 7:30	First Nighter	Dramatic with Music.
7:30— 8:00	Salada Tea	Concert Orchestra.
8:30— 9:00	National Sugar	Popular Orchestra.

WIBO Exhibit 12-A—Continued.

Program.		Description.
Friday.		
A. M.		
7:45— 8:00	Cream of Wheat	Children's stories.
8:30— 8:45	Vermont Maid	Popular Musical Quartet.
8:45— 9:00	A & P Tea Co.	Dietetic Food Talks.
9:00— 9:15	Libby, McNeil & Libby	Food Menus.
9:45—10:00	H. J. Heinz	Food Menus.
10:00—10:45	Musical Appreciation Series (Sustaining)	Musical Education.
1611		
Friday.		
P. M.		
2:30— 3:00	Chicago Serenaders (Sustaining)	15 Pc. Concert Orch.
6:15— 6:25	Little Things (Sustaining)	Orchestra & Vocal.
6:30— 6:45	Phil Cook	Humorous 1 Man Show.
6:45— 7:00	Brown Built Shoe	Orchestra.
7:00— 7:30	Nestle's Chocolate	Movie Star & Orch.
7:45— 8:00	Craddock Terry	Arthur Murray Dance Instr.
8:00— 8:30	Cliquot Club	Orchestra & Comedy.
9:30—10:00	R K O	Orch. & Vaudeville.
Saturday.		
A. M.		
7:45— 8:00	Cream of Wheat	Children's Stories.

8:30— 8:45	Vermont Maid	Popular Musical Quartet.
8:45— 9:00	A & P	Dietetic Food Talks.
P. M.		
1:15— 1:30	Al & Pete (Sustaining)	Harmony Team.
2:30— 3:00	Chicago Serenaders (Sustaining)	15 Pc. Orchestra.
7:00— 7:15	Webster & Isenlock	Weber & Fields.
7:15— 7:30	R C A	"Bugs" Baer & Orch. & Vocal.
7:30— 8:00	Fuller Brush	Orchestra & Soloist.
8:00— 9:00	General Electric	Walter Damrosch & Floyd Gibbons.
9:00— 9:30	KuKu (Sustaining)	Humorous Playlet.
10:45—11:00	Little Jack Little (Sustaining)	Popular Songs with Piano.
Sunday.		
A. M.		
7:30— 8:00	Tone Pictures (Sustaining)	Vocal & Organ.
P. M.		
12:30—12:45	Little Jack Little (Sustaining)	Popular Songs with Piano.
12:45— 1:00	Dragman & Rybmer (Sustaining)	Pianist & Soloist.
7:30— 8:00	Chase & Sanborn	Maurice Chevalier & Orch.

With negligible exceptions, the above and foregoing list of a week's schedule of chain programs will also apply to all other weeks of the month. Attention is directed to the fact that these 74 N B C programs over W I B O represent a larger number of such programs than were broadcast by any other Chicago radio station.

"Top O' The Dial."

1612 *W I B O Program Log.*

535.7 Meters, 560 Kilocycles.

Wed., Feb. 18, 1931.

6:25	A. M.	Uncle John.
7:00		" "
7:30		Forget-me-not.
7:45		Cream of Wheat.
8:00		Bulova Time Clock.
8:30		Vermont Maid.
8:45		A. & P.
9:00		Libby McNeill.
9:15		Reading Room.
9:44		Curtiss Annc.
9:45		Wildroot A.
10:00		Forecast School.
10:30		Bulova Annc.
10:31		News Flashes.
10:45		Around the House.
11:00		Tellison's Tune.
11:15		Varicose Annc.
11:30		Amer. Con. of Vision.
11:45		Tellison's.
11:58		Curtiss Annc.
11:59		Bulova Annc.
12:00	P. M.	W P C C.
12:30		News Flashes.
12:45		Little Jack Little.
1:00		McCoy.
1:15		Al & Pete.
1:30		Bulova Annc.
1:31		Leo Terry.
1:45		McCoy.
2:00		Television.
2:15		White City.
2:30		Radio Playhouse.
3:00		Bulova Annc.
3:01		B. & K. Reporter.
3:06		Curtiss Annc.
3:07		Studio.
3:29		Bob MacDonald Annc.

3:30 Granada.
3:45 White City.
3:46 Studio Orch.
4:15 Radio Weekly Annc.
4:15 News Flashes.
4:30 Television.
4:58 Radio Weekly Annc.
4:59 Bulova Annc.
5:00 Sign Off.
6:30 Phil Cook.
6:45 Smith Bros.
7:00 Jones Listerine.
7:15 R C A.
7:30 Guth's Prog.
7:45 Judge Lyle.
8:00 Bob Spellman Annc.
8:01 Bulova Annc.
8:02 Young.

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8:15 P. M. Walgreen Annc.
8:16 Curtiss Prog.
8:21 Studio.
8:24 Baldwin Annc.
8:25 B. & K. Reporter.
8:30 Sodiphene Annc.
8:30½ Giant Finger.
8:59 Radio Weekly Annc.
9:00 Amer. Con. of Vision.
9:45 Hub.
9:46 Wrestling Match.
10:15 Modern Maidens Annc.
10:30 Weather Report.
10:33 Young.
11:00 Bulova Annc.
11:01 McCoy.
11:15 Sylvano Dance Orchestra.
11:30 White City.
11:45 Sylvano Dance Orchestra.
12:00 Bulova Annc.
12:01 McCoy.
12:15 Young.
12:30 Sylvano Dance Orchestra.
1:00 Sign Off.

1614 *W I B O Program Log.*

560 Kilocycles, 535.7 Meters.

Thursday, February 19th, 1931.

6:25	A. M.	Uncle John.
7:30		Forget*p*me-not Program.
7:45		Cream of Wheat—N. B. C.
8:00		Bulova March of Time.
8:30		Vermont Maid—N. B. C.
8:45		A. & P. Program—N. B. C.
9:00		Libby McNeil Libby—N. B. C.
9:15		Sw*f*it & Company—N. B. C.
9:30		Curtiss Announcement.
9:31		Reading Room.
9:59		Bulova Announcement.
10:00		Forecast School of Cookery—N. B. C.
10:30		Northam Warren Program—N. B. C.
10:45		Around the Home.
11:00		Evening American News Flashes.
11:15		Tellison's Tune Parade.
11:30		American Conservation of Vision Program.
11:45		Tellison.
11:58		Curtiss Announcement.
12:00		W P C C.
12:30	P. M.	Evening American News Flashes.
12:45		Bulova Announcement.
12:46		Clyde McCoy.
1:15		Al & Pete—N. B. C.
1:30		Leo Terry at the Granada Theatre Organ.
1:45		International Broadcast—N. B. C.
2:00		Television.
2:15		White City.
2:29		Chicago Radio Weekly Announcement.
2:30		Chicago Serenaders—N. B. C.
3:00		Bulova Time Signal.
3:01		Publix Theatre Reporter.
3:06		Curtiss Announcement.
3:07		Studio.
3:15		Bulova Announcement.
3:16		Granada Program.

3:45		Guth Announcement.
3:45½		White City.
4:15		Guth Announcement.
4:15½		Evening American News Flashes.
4:30		Chicago Radio Weekly Announcement.
4:31		Studio—Television.
4:59		Bulova Announcement.
5:00		Sign Off.
6:00		Copeland Smith League.
6:30		Phil Cook—N. B. C.
6:45		Jarman Shoe Company—N. B. C.
7:00		The First Nighter—N. B. C.
7:30		Salada Tea Company Program—N. B. C.
8:00		Bulova Announcement.
8:01		Victor Young's Orchestra.
8:15		Hub Announcement.
8:16		Frank Sylvano's Orch.
8:23		Spellman Announcement.
8:25		Publix Theatre Reporter.
8:29		Dasheill Announcement.
8:30		National Sugar Program—N. B. C.
9:00		Guth Announcement.
9:00½		Red Cross Program.
9:30		Hub Announcement.

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9:30½		Publix Theatre Reporter.
9:45		Missing Person Announcement.
9:45		Victor Young.
10:00		Bulova Announcement.
10:01		Music Box.
10:30		Weather Report.
10:33		Victor Young.
11:00		Clyde McCoy.
11:15		Radio Weekly Announcement.
11:16		Frank Sylvano.
11:29		Missing Person Announcement.
11:30		White City.
11:45		Frank Sylvano.
12:00	A. M.	Bulova Announcement.
12:01		Clyde McCoy.
12:15		Victor Young.

12:30 Frank Sylvano.
1:00 Sign Off.

1616 *W I B O Program Log.*

560 Kilocycles, 535.7 Meters.

Friday, February 20, 1931.

6:25	A. M.	Uncle John and his Family.
7:30		Forget-me-not Program.
7:45		Cream of Wheat—N. B. C.
8:00		Bulova Time Clock.
8:30		Vermont Maid—N. B. C.
8:45		A. & P. Program—N. B. C.
9:00		Libby McNeil Libby—N. B. C.
9:15		Reading Room.
9:45		Heinz Program—N. B. C.
10:00		Musical Appreciation—N. B. C.
10:45		Bulova Announcement.
10:46		What's Good in Your Cupboard.
11:00		Evening American News Flashes.
11:15		Tellison's Tune Parade.
11:30		Missing Person Ann. (Continuing Tellison.).
11:58		Curtiss Announcement.
11:59		Bulova Announcement.
12:00	P. M.	W P C C.
12:30		Evening American News Flashes.
12:45		Clyde McCoy.
1:14		Bulova Announcement.
1:15		Al & Pete—N. B. C.
1:30		Clyde McCoy.
1:44		Chicago-Radio Weekly Announcement.
1:45		Eddie House at the Granada Theatre Organ.
2:00		Bridge Lesson.
2:15		White City.
2:30		Studio—Television.
2:45		Chicago Serenaders—N. B. C.
3:00		Bulova Announcement.
3:01		Publix Theatre Reporter.
3:06		Studio.
3:10		Curtiss Program.

3:15		Studio.
3:29		Chicago Radio Weekly Announcement.
3:30		Studio.
3:45		White City.
4:15		Chicago Evening American News Flashes.
4:30		Moore Paint Company—N. B. C.
4:45		Studio—Television.
4:59		Bulova Announcement.
5:00		Sign Off.
6:00		Chicago Theatre.
6:14		Vericose Vein Announcement.
6:15		Little Things in Life—N. B. C.
6:25		Publix Theatre Reporter.
6:30		Phil Cook—N. B. C.
6:45		Brownbilt—N. B. C.
7:00		Neslte's Chocolateers—N. B. C.
7:15		Speech by Judge Lyle.
7:30		Bulova Announcement.
7:31		David Jackson—Securities talk.
7:45		Craddock Terry Program—N. B. C.
8:00		Clicquot Club—N. B. C.
8:30		Guth Program.
8:45		Dodge Duo.
9:00		Campbell Program.
9:29		Walgreen Announcement.
9:30		R. K. O. Program—N. B. C.
10:00		Bulova Announcement.
10:01		Studio.
10:14		Sodiphene Announcement.
1617		
10:15		Modern Maidens—skit.
10:30		Weather Report.
10:33		Victor Young.
11:00		Clyde McCoy.
11:15		Frank Sylvano.
11:30		White City.
11:45		Frank Sylvano.
12:00	A. M.	Bulova Announcement.
12:01		Clude McCoy.
12:15		Victor Young.
12:30		Frank Sylvano.
1:00		Sign Off.

1618 *W I B O Program Log.*

535.7 Meters, 560 Kilocycles.

Wednesday, February 4th, 1931.

6:25	A. M.	Uncle John.
7:30		C. & E. I. Program.
7:45		Cream of Wheat—N. B. C.
8:00		Bulova Time Clock.
8:30		Vermont Lumberjacks—N. B. C.
8:45		A. & P. Gypsies—N. B. C.
9:00		Libby-McNeil-Libby—N. B. C.
9:15		Reading Room—Stu Dawson.
9:44		Curtiss Candy Announcement.
9:45		Wildroot—N. B. C.
10:00		Forecast School of Cookery—N. B. C.
10:30		Bulova Announcement.
10:31		News Flashes.
10:45		Around the House.
11:00		Tellison's Tune Parade.
11:30		American Conservation of Vision.
11:45		Tellison's Tune Parade.
11:58		Curtiss Candy.
11:59		Bulova Announcement.
12:00	Noon.	W P C C.
12:30	P. M.	News Flashes.
12:45		Three Little Jack Little—N. B. C.
1:00		Bulova Announcement.
1:01		McCoy's Dance Orchestra.
1:29		Leo Terry.
1:45		Television.
2:00		Television.
2:15		White City.
2:30		Radio Playlet—N. B. C.
3:00		Bulova Announcement.
3:01		B. & K. Reporter.
3:06		Curtiss Candy Announcement.
3:07		Studio Program.
3:30		Granada Program.
3:45		White City Program.
4:15		News Flashes.

4:30 Television.
4:59 Bulova Announcement.
5:00 P. M. Sign Off.

6:30 P. M. Phil Cook—N. B. C.
6:45 Smith Brothers—N. B. C.
7:00 Jones—N. B. C.
7:15 R. C. A. —N. B. C.
7:30 Curtiss Candy Program.
7:35 Sylvano's Dance Orchestra.
7:45 McCoy's Dance Orchestra.
8:00 Bulova Announcement.
8:01 Young's Dance Orchestra.
8:15 Television.
8:30 B. & K. Reporter.
8:35 Giant Finger.
9:00 Chicago Theatre.
9:30 Petite Damsoel.
9:45 Sylvano's Dance Orchestra.
10:00 Bulova Announcement.
10:01 Music Box.
10:30 Weather Report.
10:33 Young's Dance Orchestra.
11:00 McCoy's Dance Orchestra.

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11:15 P. M. Sylvano's Dance Orchestra.
11:30 White City Dance Orchestra.
11:45 Sylvano's Dance Orchestra.
12:00 Midnight. Bulova Announcement.
12:01 A. M. McCoy's Dance Orchestra.
12:15 Young's Dance Orchestra.
12:30 Sylvano's Dance Orchestra.
1:00 A. M. Sign Off.

1620 *W I B O Program Log.*

535.7 Meters, 560 Kilocycles.

Saturday, February 7th, 1931.

6:25 A. M. Uncle John's Program.
7:30 Forget-me-not Program.

7:45		Cream of Wheat—N. B. C.
8:00		Bulova Time Clock.
8:30		Vermont Maid—N. B. C.
8:45		A. & P. Gypsies—N. B. C.
9:00		Musical Interlude.
9:15		Reading Room—Stu Dawson.
9.44		Curtiss Candy Program Announcement.
9:45		Tellison's Tune Parade.
10:29		Bulova Announcement.
10:30		News Flashes.
10:45		Around the Home.
11:00		Tellison's Tune Parade.
11:30		American Conservation of Vision.
11:45		Tellison's Tune Parade.
11:58		Curtiss Candy Announcement.
11:59		Bulova Announcement.
12:00	Noon.	W P C C.
12:30	P. M.	News Flashes.
12:45		Lopez—N. B. C.
1:00		Bulova Announcement.
1:01		McCoy's Dance Orchestra.
1:30		White City Program.
1:45		Wesley Long.
2:00		Television.
2:15		White City Program.
2:30		Chicago Serenade—N. B. C.
3:00		Bulova Announcement.
3:01		B. & K. Reporter.
3:06		Curtiss Announcement.
3:07		Studio Program.
3:30		Granada Program.
3:45		White City Program.
4:15		Studio Program.
4:30		Television Program.
4:59		Bulova Announcement.
5:00	P. M.	Sign Off.
7:00	P. M.	Weber & Fields—N. B. C.
7:15		R. C. A. Program—N. B. C.
7:30		Fuller Brush Program—N. B. C.
8:00		General Electric Announcement.
8:01		General Electric—N. B. C.
9:00		General Electric Announcement.

9:01		Ku Ku—N. B. C.
9:30		B. & K. Reporter.
9:35		Geo. W. Tennant, Speaker.
9:45		Clyde McCoy's Dance Orchestra.
10:00		Bulova Announcement.
10:01		Music Box.
10:30		Weather Report.

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10:33	P. M.	Victor Young's Dance Orchestra.
10:45		Little Jack Little—N. B. C.
11:00		Clyde McCoy's Dance Orchestra.
11:15		Frank Sylvano's Dance Orchestra.
11:30		White City Dance Orchestra.
11:45		Sylvano's Dance Orchestra.
12:00	Mid.	Bulova Announcement.
12:01	A. M.	Clyde McCoy's Dance Orchestra.
12:15		Victor Young's Dance Orchestra.
12:30		Frank Sylvano's Dance Orchestra.
1:30	A. M.	Sign Off.

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W I B O Program Log.

535.7 Meters, 560 Kilocycles.

Sunday, February 8th, 1931.

7:30	A. M.	Tone Pictures—N. B. C.
8:00		Swedish Program.
10:00		Sign Off.
12:30	P. M.	Boy Scout Program—N. B. C.
12:45		Little Jack Little—N. B. C.
1:00		B. & K. Reporter.
1:05		Baldwin Announcement.
1:06		Meditations of Man.
1:30		Copeland Smith.
2:30		Music Box.
3:00		Norwegian Hour.
4:00		W P C C.
4:30	P. M.	Sign Off.
7:00	P. M.	Frank Sylvano's Dance Orchestra.
7:15		Baldwin Announcement.

7:16		Studio Program.
7:27		Weather Report.
7:30		Chase & Sanborn—N. B. C.
8:00	P. M.	Sign Off.
12:00	A. M.	White City Dance Orchestra.
12:15		Victor Young's Dance Orchestra.
12:30		Frank Sylvano's Dance Orchestra.
1:00	A. M.	Sign Off.

1623 *W I B O Program Log.*

535.7 Meters, 560 Kilocycles.

Tuesday, February 10th, 1931.

6:25	A. M.	Uncle John's Program.
7:00		Uncle John's Program.
7:30		Forget-me-not Program.
7:45		Cream of Wheat—N. B. C.
8:00		Bulova Time Clock.
8:15		Calsodent—N. B. C.
8:30		Vermont Maid—N. B. C.
8:45		A. & P. Gypsies—N. B. C.
9:00		Musical Interlude.
9:15		Reading Room—Stu Dawson.
9:44		Curtiss Announcement.
9:45		Heinz Program—N. B. C.
10:00		Forecast School of Cookery—N. B. C.
10:30		Bulova Announcement.
10:31		News Flashes.
10:45		Around the House.
11:00		Tellison's Tune Parade.
11:30		American Conservation of Vision.
11:45		Weslyn Glee Club—N. B. C.
11:59		Bulova Time Announcement.
12:00	Noon	W P C C.
12:30	P. M.	News Flashes.
12:45		McCoy's Dance Orchestra.
1:14		Bulova Announcement.
1:15		Al & Pete—N. B. C.
1:30		Marathon Driving Announcement.
1:31		Leo Terry Organ.
1:45		International Broadcast—N. B. C.
2:00		Television.

2:15	White City Program.
2:30	Chicago Serenade—N. B. C.
3:00	Bulova Announcement.
3:01	B. & K. Reporter.
3:06	Curtiss Announcement.
3:07	Studio.
3:30	Granada Program.
3:45	White City Program.
4:15	News Flashes.
4:30	Guth Program Announcement.
4:31	Television.
4:59	Bulova Announcement.
5:00	Sign Off.
6:30	Phil Cook—N. B. C.
6:45	Curtiss Program.
6:50	McCoy's Orchestra.
7:00	Waitt & Bond—N. B. C.
7:30	W P C C.
8:00	Bulova Announcement.
8:01	Victor Young's Dance Orchestra.
8:15	Marathon Driving Contest Announcement.
8:16	Television.
8:25	B. & K. Reporter.
8:29½	Tax Announcement.
8:30	Continental Bakers—N. B. C.

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9:00	Lucky Strike—N. B. C.
10:00	Bulova Announcement.
10:01	Music Box.
10:29	Guth Candy Announcement.
10:30	Weather Report.
10:33	Victor Young's Orchestra.
11:00	Tax Announcement.
11:00½	McCoy's Dance Orchestra.
11:15	Sylvano's Dance Orchestra.
11:30	White City Dance Orchestra.
11:45	Sylvano's Dance Orchestra.
12:00 Mid.	Bulova Announcement.
12:01 A. M.	McCoy's Dance Orchestra.
12:15	Young's Dance Orchestra.
12:30	Sylvano's Dance Orchestra.
1:00	Sign Off.

1625 *W I B O Program Log.*

535.7 Meters, 560 Kilocycles.

Thursday, February 12, 1931.

6:30	A. M.	Uncle John and his Family.
7:30		Forget-me-not Program.
7:45		Cream of Wheat—N. B. C.
8:00		Bulova Time Clock.
8:30		Vermont Maid—N. B. C.
8:45		A. & P. Program—N. B. C.
9:00		International Broadcast—N. B. C.
11:19		Evening American News Flashes.
11:30		American Conservation of Vision Program.
11:45		Tellison's Tune Parade.
11:58		Curtiss Announcement.
11:59		Bulova Announcement.
12:00	P. M.	W P C C.
12:30		Annual Celebration of Lincoln's Birthday—N. B. C.
1:30		Bulova Announcement.
1:31		Leo Terry at the Granada Theatre Organ.
1:45		Clyde McCoy.
2:00		Studio—Television.
2:15		White City.
2:30		Chicago Serenade—N. B. C.
3:00		Bulova Announcement.
3:01		Publix Theatre Reporter.
3:06		Curtiss Announcement.
3:07		Studio.
3:29		Baldwin Announcement.
3:30		Granada Program.
3:45		White City.
4:15		Evening American News Flashes.
4:30		Studio—Television.
4:59		Bulova Announcement.
5:00		Sign Off.
6:00		Copeland Smith League.
6:30		Phil Cook—N. B. C.
6:45		Jarman Shoe Program—N. B. C.
7:00		The First Nighter—N. B. C.

7:30	Salada Salon Orchestra—N. B. C.
8:00	Bulova Announcement.
8:01	Victor Young.
8:15	Guth Announcement.
8:16	Television.
8:25	Publix Theatre Reporter.
8:30	National Sugar—N. B. C.
9:00	Hoover Address—N. B. C.
9:30	Red Cross Program Announcement.
9:31	Publix Reporter's Program.
9:45	Victor Young.
10:00	Bulova Announcement.
10:01	Music Box.
10:29	Curtiss Announcement.
10:30	Weather Report.
10:33	Victor Young.
11:00	Clyde McCoy.
11:15	Frank Sylvano.
11:30	White City.
11:45	Frank Sylvano.
12:00	Bulova Announcement.
12:01	Clyde McCoy.
12:15	Victor Young.
12:30	Frank Sylvano.
1:00	Sign Off.

1626 *W I B O Program Log.*

535.7 Meters, 560 Kilocycles.

Friday, February 13, 1931.

6:25	A. M.	Uncle John.
7:30		Forget-me-not Program.
7:45		Cream of Wheat—N. B. C.
8:00		Bulova Time Clock.
8:30		Vermont Maid—N. B. C.
8:45		A. & P. Program—N. B. C.
9:00		Libby McNeil Libby—N. B. C.
9:15		Reading Room.
9:44		Curtiss Candy Announcement.
9:45		H. J. Heinz Program—N. B. C.
10:00		Bulova Announcement.

10:01		Musical Appreciation—N. B. C.
10:45		Around the Home.
11:00		Tellison.
11:30		American Conservation of Vision.
11:45		Tellison.
11:59		Bulova Announcement.
12:00	P. M.	W P C C.
12:30		Evening American News Flashes.
12:45		Clyde McCoy.
1:14		Bulova Announcement.
1:15		Al & Pete—N. B. C.
1:30		Wesley Long.
1:45		Leo Terry.
2:00		Wesley Long.
2:15		White City.
2:30		Philharmonic Orchestra—N. B. C.
3:00		Bulova Announcement.
3:01		Publix Theatre Reporter.
3:06		Curtiss Program.
3:13		Studio.
3:30		Granada Program.
3:45		White City.
4:10		Speaker.
4:15		Evening American News Flashes.
4:30		Moore Paint Company—N. B. C.
4:45		Studio—Television.
4:59		Bulova Announcement.
5:00		Sign Off.
6:00		Chicago Theatre.
6:15		Little Things in Life—N. B. C.
6:30		Phil Cook—N. B. C.
6:45		Brownbilt Program—N. B. C.
7:00		The Nestle Chocolateers—N. B. C.
7:30		Bulova Announcement.
7:31		David Jackson.
7:45		Craddock Terry—N. B. C.
8:00		Clicquot Club—N. B. C.
8:30		Guth Program.
8:45		Musical Program.
9:00		Varicose Announcement.
9:01		Publix Theatre Reporters' Program.
9:15		Victor Young.

9:29	Sodiphene Announcement.
9:30	R. K. O. Program—N. B. C.
10:00	Bulova Announcement.
10:01	Duke Ellington (Oriental Theatre).
10:30	Weather Report.
10:33	Victor Young.
11:00	Clyde McCoy.
11:15	Frank Sylvano.
11:30	White City Ballroom.
11:45	Frank Sylvano.
12:00	Bulova Announcement.
12:01	Clyde McCoy.
12:15	Victor Young.
12:30	Frank Sylvano.
1:00	Sign Off.

1627 *W I B O Program Log.*

535.7 Meters, 560 Kilocycles.

Saturday, February 14th, 1931.

6:25	A. M.	Uncle John.
7:30		Forget-me-not Program.
7:45		Cream of Wheat—N. B. C.
8:00		Bulova March of Time.
8:30		Vermont Maid—N. B. C.
8:45		A. & P. Program—N. B. C.
9:00		Musical Interlude.
9:15		Reading Room.
9:44		Curtiss Announcement.
9:45		Tellison.
10:29		Bulova Announcement.
10:30		Evening American News Flashes.
10:45		Around the Home.
11:00		Tellison.
11:30		American Conservation of Vision Program.
11:45		Tellison.
11:58		Curtiss Announcement.
11:59		Bulova Announcement.
12:00	P. M.	W P C C.
12:30		Evening American News Flashes.

12:45		Vincent Lopez—N. B. C.
1:00		Bulova Announcement.
1:01		Clyde McCoy.
1:30		White City.
1:45		Wesley Long.
2:00		Studio—Television.
2:15		White City.
2:30		Chicago Serenade—N. B. C.
3:00		Bulova Announcement.
3:01		Publix Theatre Reporter.
3:06		Curtiss Announcement.
3:07		Studio.
3:30		Granada Golf Program.
3:45		White City.
4:15		Studio.
4:29		Baldwin Announcement.
4:30		Studio—Television.
4:59		Bulova Announcement.
5:00		Sign Off.
7:00		Weber & Fields—N. B. C.
7:15		R. C. A. Radiotrons—N. B. C.
7:30		The Fuller Brush Man—N. B. C.
8:00		General Electric Announcement.
8:01		General Electric Program—N. B. C.
9:00		General Electric Announcement.
9:01		Ku Ku Program—N. B. C.
9:30		Publix Theatre Reporter.
9:35		Frank Sylvano.
9:45		Clyde McCoy.
10:00		Bulova Announcement.
10:01		The Music Box.
10:30		Weather Report.
10:33		Victor Young.
10:45		Drama League—N. B. C.
11:00		W*g*ite City.
11:45		Young.
12:00	A. M.	Bulova Announcement.
12:01		Clyde McCoy.
12:15		Victor Young.
12:30		Frank Sylvano.
1:00		Sign Off.

1628 *W I B O Program Log.*

560 Kilocycles, 535.7 Meters.

Sunday, February 15, 1931.

7:30	A. M.	Tone Pictures—N. B. C.
8:00		Swedish Religious Services.
10:00		Sign Off.
12:30	P. M.	Little Jack Little—N. B. C.
12:45		Dragman & Rybner—N. B. C.
1:00		Publix Theatre Reporter.
1:05		Meditations of Man.
1:30		Copeland Smith League.
2:30		Music Box.
3:00		Norwegian Hour.
4:00		W P C C.
4:30		Sign Off.
7:00		Frank Sylvano.
7:15		Baldwin Piano Announcement.
7:16		Studio Program.
7:27		Weather Report.
7:30		Chase & Sanborn Program—N. B. C.
8:00		Sign Off.
12:00	A. M.	White City.
12:15		Victor Young.
12:30		Frank Sylvano.
1:00		Sign Off.

1629 *W I B O Program Log.*

560 Kilocycles. 535.7 Meters.

Monday, February 16, 1931.

6:25	A. M.	Uncle John.
7:30		Forget-me-not Program.
7:45		Cream of Wheat—N. B. C.
8:00		Bulova Time Clock.
8:30		Vermont Maid—N. B. C.
8:45		A. & P. Program—N. B. C.
9:00		Drug Program—N. B. C.
9:15		Reading Room.

9:44		Curtiss Announcement.
9.45		Bulova Announcement.
9:46		Tellison
10:30		Evening American News Flashes
10:45		Around the Home.
11:00		Tellison.
11:58		Curtiss Announcement.
11:59		Bulova Announcement.
12:00	P. M.	W P C C.
12:30		Evening American News Flashes.
12:45		Clyde McCoy.
1:00		Bulova Announcement.
1:15		Al & Pete—N. B. C.
1:30		Leo Terry.
1:45		Clyde McCoy.
2:00		Studio—Television.
2:15		White City.
2:30		Chicago Serenaders—N. B. C.
3:00		Bulova Announcement.
3:01		Publix Theatre Reporter.
3:06		Curtiss Announcement.
3:07		Studio.
3:30		Granada.
3:45		White City.
4:15		Evening American News Flashes.
4:30		Studio—Television.
4:45		Bulova Announcement.
4:46		Sign Off.
7:00		W P C C.
7:30		Bulova Announcement.
7:31		Clyde McCoy.
7:45		Frank Sylvano.
7:55		Publix Theatre Reporter.
8:00		Varicose Announcement.
8:01		Victor Young.
8:15		Walgreen Announcement.
8:16		Maurie Rice.
8:30		Sodiphene Announcement.
8:31		Swedish Program.
9:00		Victor Young.
9:15		Life Insurance Play.
9:30		Non Stop Driving Announcement.

9:31 Bulova Announcement.
9:32 Orlando Van Gunten.
9:40 Frank Sylvano.
10:00 Bulova Announcement.
10:01 Music Box.
10:15 Modern Maidens.
10:30 Weather Report.
10:33 Victor Young.
11:00 Chicago Radio Weekly Announcement.
11:01 Clyde McCoy.
11:15 Frank Sylvano.
11:30 White City.
11:45 Chicago Radio Weekly Announcement.

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11:46 Frank Sylvano.
12:00 Bulova Time Signal.
12:01 Clyde McCoy.
12:15 Victor Young.
12:26 White City.
12:30 Frank Sylvano.
1:00 Sign Off.

1631 *W I B O Program Log.*

560 Kilocycles. 535.7 Meters.

Tuesday, February 17, 1931.

6:25 A. M. Uncle John.
7:30 Forget-me-not Program.
7:45 Cream of Wheat—N. B. C.
8:00 Bulova Time Clock.
8:15 Calsodent—N. B. C.
8:30 Vermont Maid—N. B. C.
8:45 A. & P. Program—N. B. C.
9:00 Musical Interlude.
9:15 Reading Room.
9:44 Curtiss Candy Announcement.
9:45 Heinz Program—N. B. C.
10:00 Forecast School of Cookery—N. B. C.
10:30 Bulova Announcement.
10:31 Evening American News Flashes.

10.45 Around the Home.
11:00 Tellison.
11:30 American Conservation of Vision.
11:45 Tellison.
11:58 Curtiss Announcement.
11:59 Bulova Announcement.
12:00 P. M. W P C C.
12:30 Evening American News Flashes.
12:45 Clyde McCoy.
1:00 Bulova Announcement.
1:15 Al & Pete—N. B. C.
1:30 Leo Terry.
1:45 Studio—Television.
2:00 Music in the Air—N. B. C.
2:15 White City.
2:30 Chicago Serenaders—N. B. C.
3:00 Bulova Announcement.
3:01 Publix Theatre Reporter.
3:06 Curtiss Announcement.
3:07 Studio.
3:30 Granada Golf Program.
3:45 White City.
4:15 Evening American News Flashes.
4:40 Studio—Television.
4:59 Bulova Announcement.
5:00 Sign Off.
6:30 Phil Cook—N. B. C.
6:45 Curtiss (Announcement) Program.
6:46 Speaker.
7:00 Waitt & Bond—N. B. C.
7:15 Judge Lyle.
7:30 W P C C.
8:00 Bulova Announcement.
8:01 Victor Young.
8:15 Judge Lyle Ann.
8:16 Studio—Television.
8:24 Publix Theatre Reporter.
8:29 Guth Candy Announcement.
8:30 Continental Bakers—N. B. C.
9:00 Lucky Strike—N. B. C.
10:00 Bulova Announcement.
10:01 Oriental Theatre Program.

10:30 Weather Report.
10:33 Victor Young.
11:00 Clyde McCoy.
11:14 Chicago Radio Weekly Announcement.
11:15 Frank Sylvano.
11:30 White City.
11:45 Frank Sylvano.
12:00 Bulova Announcement.
12:01 Clyde McCoy.
12:15 Victor Young.
12:30 Frank Sylvano.
1:00 Sign Off.

1632 *W I B O Program Log.*

535.7 Meters, 560 Kilocycles.

Thursday, February 5th, 1931.

6:25 A. M. Uncle John's Program.
7:00 Uncle John's Program.
7:30 Forget-me-not Program.
7:45 Cream of Wheat—N. B. C.
8:00 Bulova Time Clock.
8:30 Vermont Lumber Jacks—N. B. C.
8:45 A. & P. Gypsies—N. B. C.
9:00 Libby McNeil & Libby—N. B. C.
9:15 Reading Room—Stu Dawson.
9:44 Curtiss Candy Announcement.
9:45 Restoro Health.
10:00 Forecast School of Cookery—N. B. C.
10:30 Northam Warren—N. B. C.
10:45 Bulova Announcement.
10:46 Around the Home.
11:00 News Flashes.
11:15 Tellison's Tune Parade.
11:30 Conservation of Vision Program.
11:45 Tellison's Tune Parade.
11:58 Curtiss Candy Announcement.
11:59 Bulova Announcement.
12:00 Noon. W P C C.
12:30 P. M. News Flashes.
12:45 Penn Luncheon—N. B. C.

1:00		Bulova Announcement.
1:01		Clyde McCoy's Orchestra.
1:30		Leo Terry—Organ.
1:45		Clyde McCoy's Dance Orchestra.
2:00		Television.
2:15		White City Program.
2:30		Chicago Serenaders—N. B. C.
3:00		Bulova Announcement.
3:01		B. & K. Reporter.
3:06		Curtiss Candy Announcement.
3:07		Studio Program.
3:30		Granada Program.
3:45		White City Program.
4:15		News Flashes.
4:30		Television.
4:59		Bulova Announcement.
5:00		Sign Off.
6:00	P. M.	Copeland Smith League.
6:30		Phil Cook—N. B. C.
6:45		Jarman Shoe—N. B. C.
7:00		First Nighter—N. B. C.
7:30		Salada Tea—N. B. C.
8:00		Bulova Announcement.
8:01		Ernie Young.
8:15		Television.
8:30		National Sugar—N. B. C.
9:00		B. & K. Reporter.

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9:15		Real Estate Tax Payers Talk.
9:30		Red Cross Program.
10:00		Bulova Announcement.
10:01		B. & K. Reporter.
10:06		Music Box.
10:30		Weather Report.
10:33		Victor Young's Dance Orchestra.
11:00		Clyde McCoy's Dance Orchestra.
11:15		Sylvano's Dance Orchestra.
11:30		White City Dance Orchestra.
11:45		Sylvano's Dance Orchestra.
12:00	Mid.	Bulova Announcement.
12:01	A. M.	McCoy's Dance Orchestra.

12:15 Victor Young's Dance Orchestra.
12:30 Sylvano's Dance Orchestra.
1:00 A. M. Sign Off.

1634 *W I B O Program Log.*

560 Kilocycles, 535.7 Meters.

Wednesday, February 11, 1931.

6:30 A. M. Uncle John.
7:30 Forget-me-not Program.
7:45 Cream of Wheat—N. B. C.
8:00 Bulavo Time Clock.
8:30 Vermont Maid—N. B. C.
8:45 A. & P. Program—N. B. C.
9:00 Libby McNeil Libby—N. B. C.
9:15 Reading Room.
9:44 Curtiss Announcement.
9:45 Wildroot—N. B. C.
10:00 Forecast School of Cookery—N. B. C.
10:30 Bulova Announcement.
10:31 Evening American News Flashes.
10.45 Around the Home.
11:00 Tellison's Tune Parade.
11:30 American Conservation of Vision Program.
11:45 Tellison.
11:59 Bulova Announcement.
12:00 P. M. W P C C.
12:30 Evening American News Flashes (Onit).
Erskine Luncheon N. B. C.
12:45 Same.
1:00 Bulova Announcement.
1:01 Evening American News Flashes.
1:15 Clyde McCoy.
1:30 Studio.
1:45 Melody Three—N. B. C.
2:00 Studio—Television.
2:15 White City.
2:30 Radio Playlet—N. B. C.
3:00 Bulova Announcement.
3:01 Publix Theatre Reporter.
3:06 Curtiss Announcement.

3:07	Studio.
3:30	Granada Golf Program.
3:45	White City.
4:15	Evening American News Flashes.
4:30	Studio—Television.
4:59	Bulova Announcement.
5:00	Sign Off.
6:30	Phil Cook—N. B. C.
6:45	Smith Brothers—N. B. C.
7:00	Golf Chats with Bobby Jones—N. B. C.
7:15	R. C. A. Program—N. B. C.
7:30	Guth Program.
7:45	Bulova Announcement.
7:46	Mr. Pratt—Tax Talks.
8:00	Fair Announcement.
8:01	Victor Young.
8:15	Curtiss Program.
8:20	Studio.
8:25	Publix Theatre Reporter.
8:30	Fair Announcement.
8:31	Giant Finger of the Air.
9:00	Sodiphene Announcement.
9:01	Chicago Theatre Program.
9:30	Fair Announcement.
9:31	Petit Damoselle.
9:45	Varicose Vein Announcement.
9:46	Frank Sylvano.
10:00	Fair Announcement.
10:01	The Music Box.
10:15	Modern Maidens.

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10:29	Bulova Announcement.
10:30	Weather Report.
10:33	Art Kassel (Correction—Victor Young).
10:59	Fair Announcement.
11:00	Clyde McCoy.
11:15	Frank Sylvano.
11:30	White City.
11:44	Fair Announcement.
11:45	Frank Sylvano.
12:00	Bulova Announcement.

12:01 Clyde McCoy.
12:15 Victor Young.
12:30 Frank Sylvano.
1:00 Sign Off.

1636 *Program Log for W I B O.*

560 Kilocycles, 535.7 Meters.

Saturday, February 21, 1931.

6:25 A. M. Uncle John and his family.
7:30 Forget-me-not Program.
7:45 Cream of Wheat—N. B. C.
8:00 Bulova Time Clock.
8:30 Vermont Maid—N. B. C.
8:45 A. & P. Program—N. B. C.
9:00 Musical Interlude.
9:15 Reading Room.
9:44 Curtiss Announcement.
9:45 Tellison's Tune Parade.
10:30 Evening American News Flashes
10:45 Bulova Announcement.
10:46 Around the Home.
11:00 Tellison's Tune Parade.
11:30 American Conservation of Vision Program.
11:45 Tellison.
11:58 Curtiss Announcement.
11:59 Bulova Announcement.
12:00 P. M. W P C C.
12:30 Evening American News Flashes.
12:45 Vincente Lopez—N. B. C.
1:00 Bulova Announcement.
1:01 Clyde McCoy.
1:15 Blue Blazers—N. B. C.
1:30 Clyde McCoy.
2:00 Studio—Television.
2:15 White City.
2:30 Chicago Serenaders—N. B. C.
3:00 Bulova Announcement.
3:01 Publix Theatre Reporter.
3:06 Curtiss Candy Company Announcement.
3:07 Studio.

3:29		Chicago Radio Weeky Ann.
3:30		Studio.
3:45		White City.
4:15		Studio.
4:30		Studio—Television.
4:59		Bulova Announcement.
5:00		Sign Off.
7:00		Weber & Fields—N. B. C.
7:15		R. C. A. Radiotrons—N. B. C.
7:30		The Fuller Brush Man—N. B. C.
8:00		General Electric Announcement.
8:01		General Electric Program—N. B. C.
9:00		General Electric Announcement.
9:01		Ku Ku—N. B. C.
9:30		Rudy Vallee from the Chicago Theatre.
9:50		Clyde McCoy.
10:00		Bulova Announcement.
10:01		Publix Theatre Reporter.
10:06		The Music Box.
10:30		Weather Report.
10:33		Victor Young.
10:45		Little Jack Little—N. B. C.
11:00		Clyde McCoy.
11:15		Frank Sylvano.
11:30		White City.
11:45		Frank Sylvano.
12:00		Bulova Announcement.
12:01	A. M.	Clyde McCoy.
12:15		Victor Young.
12:30		Frank Sylvano.
1:00		Sign Off.

1637 *W I B O Program Log.*

560 Kilocycles, 535.7 Meters.

Sunday, February 22, 1931.

7:30	A. M.	Tone Pictures—N. B. C.
8:00		Swedish Relighous Services.
10:00		Sign Off.
12:30	P. M.	Little Jack Little—N. B. C.
12:45		Barclay Rybner—N. B. C.

1:00		Publix Theatre Reporter.
1:05		Meditations of Man.
1:30		Copeland Smith League.
2:30		The Music Box.
3:00		Norwegian Hour—Religious Services.
4:00		W P C C.
4:30		Sign Off.
7:00		Lyle Speech.
7:15		Bulova Announcement.
7:16		Studio.
7:27		Weather Report.
7:30		Chase & Sanborn Program—N. B. C.
8:00		Sign Off.
12:00	A. M.	Bulova Announcement.
12:01		Victor Young.
12:15		White City.
12:30		Frank Sylvano.
1:00		Sign Off.

1638 *W I B O Program Log.*

535.7 Meters, 560 Kilocycles.

Monday, February 2d, 1931.

6:25	A. M.	Uncle John.
7:30		Forget-me-not Program.
7:45		Cream of Wheat—N. B. C.
8:00		Bulova Time Clock.
8:30		Vermont Lumberjacks—N. B. C.
8:45		A. & P. Program—N. B. C.
9:00		Drug Speech—N. B. C.
9:15		Reading Room.
9:44		Curtiss Candy Annc.
9:45		Restoro Program.
10:00		Bulova Annc.
10:01		Tellison's Tune Parade.
10:30		News Flashes.
10:45		Around the House.
11:00		Tellison's Tune.
11:30		American Con. of Vision.
11:45		Tellison's Tune Parade.
11:58		Curtiss Candy Annc.

11:59		Bulova.
12:00	Noon.	W P C C.
12:30	P. M.	News Flashes.
12:45		Hotel New Yorker—N. B. C.
1:00		Bulova Annc.
1:01		McCoy.
1:29		Life Insurance Play Annc.
1:30		Leo Terry.
1:45		Television.
2:00		Apartment Annc.
2:01		Television.
2:15		White City.
2:30		Chicago Serenaders—N. B. C.
3:00		Bulova Annc.
3:01		B. & K. Reporter.
3:06		Swedish Annc.
3:07		Studio Program.
3:29		Curtiss Candy Annc.
3:30		Granada Program.
3:45		White City.
4:15		News Flashes.
4:30		Television.
4:59		Bulova Annc.
5:00		Sign Off.
7:00		W P C C.
7:30		McCoy.
7:45		Sylvano.
7:55		B. & K. Reporter.
8:00		Bulova Annc.
8:01		Studio Trio.
8:07		Young.
8:15		Television.
8:30		Swedish Program.
9:00		Young.
9:15		Life Insurance Play.
9:30		Mr. Van Gunten.
9:40		Sylvano.

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10:00	Bulova Annc.
10:01	Music Box.
10:29	Sodiphene Annc.

10:30		Weather Report.
10:33		Young.
11:00		Duke Ellington—N. B. C.
11:30		White City.
11:45		Sylvano.
12:00	Mid.	Bulova.
12:01	A. M.	McCoy.
12:15		Young.
12:30		Sylvano.
1:00		Sign Off.

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WIBO
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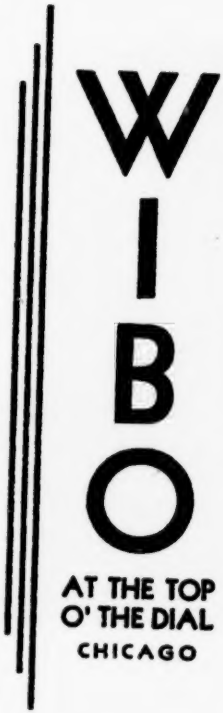

DOCKET NO. 1156
WIBO EXHIBIT 13-A
HART, DICE & CARLSON Official Reporters

APR 30 1931

Introduced at hearing before
FEDERAL RADIO COMMISSION

Some examples of service rendered in the public interest by WIBO to its great audience of listeners, in conjunction with the Chicago Evening American.

A view in one of the WIBO *studios*

FOLDOUT(S) IS/ARE TOO LARGE TO BE FILMED

POWERFUL listener-attraction is self evident in such publicity and such diversity of programs. It will be plainly apparent to the intelligent advertiser that W I B O does not rely upon mere ingenuity nor upon empty claims concerning 'listeners'. The advertiser receives 'At The Top O' The Dial' the solid assurance of that large and dependably regular audience represented by something like 2,400,000 people living in the homes into which go about 560,000 Chicago Evening Americans every night when people listen most and when most radio listening habits are formed. This audience is 'a **good buy**'.

●

FEW stations anywhere can match the audience-holding variety of good programs broadcast from 'The Top O' The Dial'. No single feature is relied upon—no program 'stunts' are permitted to cloud or confuse the dependable facts. Those facts can be understood clearly and measured accurately. Any advertiser knows the power of dominant news stories daily in about 560,000 Evening Americans (over 170,000,000 yearly). Advertisers understand the power in 'Listen Daily To W I B O' flashes on the screens of Publix B & K theaters before the eyes of the buyers of over 25,000,000 tickets last year. Added to what these pages present, those facts assure a great audience of **habitual listeners.**

OUT(S) IS/ARE TOO LARGE TO BE FILMED

1668 Docket No. 1156.

W I B O Exhibit 16-A for Ident.

Hart, Dice & Carlson, Official Reporters.

Apr. 30, 1931.

Introduced at Hearing Before Federal Radio Commission.

1669 Thulin and Company, Public Accountants.

Radio Station W. I. B. O., Chicago, Illinois.

Balance Sheet, February 28, 1931.

Assets:

Current assets:	
Cash	$8,233.42
Notes Receivable	809.22
Accounts Receivable	38,479.18
Bonds Receivable	280.00
Total Current Assets	47,801.82
Other assets:	
Accounts Receivable Suspense	16,642.26
Prepaid Insurance	1,540.75
Total Other Assets	18,183.01
Fixed assets:	
Land, Buildings & Equipment	346,362.99
Less: Reserve for Depreciation	54,627.36
Total Fixed Assets	291,735.63
Total Assets	$357,720.46

Liabilities:	
Current liabilities:	
Accrued Commission Payable	329.07
Accounts Payable	17,421.54
Accrued Payroll	1,305.50
Total Current Liabilities	19,056.11
Unearned income	1,261.00
Long term liabilities:	
Mortgage Payable	11,449.08
Net worth	325,954.27
Total Net Worth and Liabilities	$357,720.46

1670 Docket No. 1156.

WIBO Exhibit 17-A.

Hart, Dice & Carlson, Official Reporters.

Apr. 30, 1931.

Introduced at hearing before Federal Radio Commission.

WIBO Personnel.

Executive and business staff:

Alvin E. Nelson, President.
James R. MacPherson.
John D. Buckingham.
James Lewis.
Loretta Seffer.
W. J. Clement.
Edwin C. Olson.
Carl J. Cronin.
Geo. Cole.
Edward Davis.
Olga Kovacik.
Mae Thorson.
Grace Mullin.
Alice Cross.

Elizabeth MacDonald.
Billie Thorson.
Willie Alexander.
Bennie Stohlberg.

Program department:

George H. Jaspert, Production Mgr.
Yvonne Metz, Program Director.
Alice Morbeck.
Malcolm Claire.
Bob Greer.
Harriet Drauth.
Sara Ann McCabe.

Eric Sagerquist—Musical Director.

Olney Moe.
John Cerny.
Maurice Schraeger.
Louis Wathall.
Theodore Huber.
Noah Tarantino.
Ricky Adkins.
James Fallis.
George Freborg.
John Miraglia.
Joseph Levy.

Announcers:

Bob Hawk, Chief Announcer.
Norman Barry.
Joe Stephens.
Stuart Dawson.
Lloyd G. Harris.
Jimmy Corcoran.

Continuity:

Joe Forbes.
Lucille Hecht.
Alice Tiplady.

Engineering Department:

Melvin Jones.
H. V. FitzCharles.
Paul Miller.
1671 Carl Nicholson.
Edward Honesty.
Lee Fetcher.
Roxey Burley.
Joseph DeGagne.
Ewald Schroeder.

1682 Federal Radio Commission, Washington, D. C.

General Order No. 93.

At a session of the Federal Radio Commission held at its offices in Washington, D. C., on the 25th day of June, 1930,

It is ordered that the following rules and regulations pertaining to practice and procedure before the commission be, and the same are hereby adopted.

It is further ordered that all general orders or parts thereof and all rules and regulations in conflict therewith be, and the same are hereby, repealed.

It is further ordered that this general order be effective on September 1, 1930.

FEDERAL RADIO COMMISSION,
By JAMES W. BALDWIN,
Secretary.

1683 *Practice and Procedure Before the Federal Radio Commission.*

Subtitle A.—General.

Section 1. Office of the Commission.—The principal office of the commission shall be located at Washington, D. C. Except for Sundays and legal holidays throughout the year and except for Saturdays after 1 o'clock p. m. during the period from June 1 to October 1 (both inclusive), the office will be open every day from 9 a. m. to 4.30 p. m.

Sec. 2. Meetings of the Commission.—All meetings of the commission, unless otherwise determined by a majority of its members, shall be held at the principal office of the commission. The commission will, however, meet at another place if so determined by a majority of its members and may, by one or more of its members, or by such examiner or other employee as it may designate, hold hearings, conduct investigations, and prosecute any inquiry necessary to its duties at any other place.

Sec. 3. Secretary to Sign Instruments of Authorization and Orders.—All instruments of authorization granted by

the commission and all orders issued by it shall, unless otherwise specifically provided by order of the commission, be signed by the secretary in the name of the commission.

Sec. 4. Official Record.—The official record of any action of the commission, other than in connection with or as the result of hearings on applications or revocation proceedings, shall be the minutes of such session, kept by and in the custody of the secretary. The official record of any action by the commission made in connection with or as the result of any such a hearing shall be the order of the commission entered and filed in the appropriate hearing docket file. Such official records shall be subject to inspection at the office of the secretary during business hours.

Sec. 5. Files.—The files of the commission shall not be open to inspection by the public except as follows:

(*a*) Hearing docket files shall be open to inspection by anyone.

(*b*) Copies of current permits, licenses, and other instruments of authorization shall be open to inspection by anyone having a legitimate interest therein.

1684 (*c*) Applications shall be open to inspection by the applicant himself or by any parties interested in the granting or denial of said applications.

Sec. 6. Seal.—The seal of the commission shall be affixed to all permits, licenses, and other instruments of authorization granted, and all orders issued by, the commission.

Sec. 7. Certified Copies.—A copy of any instrument or authorization granted by the commission, or of an order issued by the commission, or of any public record of the commission, will be certified to by the secretary of the commission under its seal. Any cost that may be necessary in preparing such copy shall be prepaid by the person requesting it.

Sec. 8. Official Reporter.—The commission will designate from time to time an official reporter for the taking down and transcribing of its proceedings. No transcript of the testimony taken or argument had at any hearing held by the commission will be furnished to any party or to any other person by the commission; such transcript must be obtained directly from the official reporter.

Sec. 9. Copies.—Where, under these regulations, any

document is permitted or required to be filed in connection with any hearing, it shall be necessary to file the same in duplicate unless otherwise expressly provided.

Sec. 10. Additional Time to Parties in Certain Cases.—Where, under these regulations, any limitation is made as to the time within which any document is required to be filed, or any other procedural step is required to be taken in connection with any hearing, parties who are residents of the fifth zone shall have an additional period of five days and parties who reside beyond the confines of the continental United States shall have an additional period of 20 days within which to file such document or take such other procedural step.

Sec. 11. Attorneys.—Any party to a proceeding before the commission may appear and be heard in person, by agent with power of attorney, or by attorney at law. All attorneys at law appearing must conform to the standard of ethical conduct required of practitioners before the courts of the United States.

Subtitle B.—Action on Applications.

Section 1. Applications Returned Without Action.—Any application which is not filed in accordance with the commission's regulations or, if properly filed, does not comply with the regulations with respect to the form used, manner of execution, completeness of answer to questions, or any other information required will not be entered on the records of the commission or considered by the
1685 commission. Each such application shall be returned to the applicant by the secretary of the commission together with a brief statement of the respect in which the application is defective.

Sec. 2. Refiling of Applications.—Upon the return of any such defective application, as provided in section 1, the applicant may either (*a*) correct the defective application and refile the same, or (*b*) if it is nevertheless believed to be sufficient, he may refile it without correction.

Sec. 3. Applications Denied Without Hearing.—In the event that any defective application returned to the applicant is refiled without correction, as provided for in subdivision (*b*) of section 2, or where it appears from the face of any application or from any documents accompanying it that the

instrument of authorization in question is one which may not be granted by the commission, or that the applicant is not eligible to receive such instrument under the laws or treaties of the United States, or under the terms of these regulations, the commission may deny such application without hearing and the secretary shall promptly mail a written notice of such denial to the applicant setting forth a brief statement of the reasons for such action.

Sec. 4. Hearings Granted Where Interpretation of Law, Treaty, or Regulation Involved.—In any case enumerated in section 3, where the proper interpretation or application of the laws or treaties of the United States, or the proper interpretation or application, or the validity of the regulations of the commission is involved, the applicant may, by written request filed with the secretary, not later than 15 days from the date of mailing of the notice of denial by the secretary, have his application entered on the hearing docket and obtain a hearing with respect to such question or questions. The applicant shall in such written request specify the respects in which it is believed that the law or treaties or regulations have been wrongly interpreted or applied, or that the regulation is invalid, and the hearing will be limited to the issues thus presented. The time and place of hearing shall be fixed in the same manner as other applications designated for hearing and, pending such hearing, the effective date of the commission's denial shall be postponed to the date of the commission's decision after hearing. The commission may, after hearing or default, again deny the application or may, after hearing, set aside its previous denial thereof and proceed to consider the application on its merits in the same manner as other applications.

Sec. 5. Applications Granted Without Hearing.—The commission will grant an application in whole or in part without hearing on the merits if it does not fall within any of the cases covered by sections 1 and 3 of this subtitle,

or if it has been determined to be proper after a
1686 hearing pursuant to section 4 and in addition thereto

it appears conclusively to the commission from the face of such application, from documents submitted therewith and from such other information as the commission may have—

(*a*) That the granting of such application either in whole or in part would serve public interest, convenience and necessity, and

(*b*) That the granting of such application either in whole or in part would not aggrieve or adversely affect the interest of any person, firm, company, or corporation holding a permit, license or other instrument of authorization from the commission, or having an application therefor pending before the commission.

In any case where the application is for a license or for a modification of license, pursuant to a construction permit previously granted by the commission, such license or modification of license will be granted without hearing if it appears conclusively to the commission that all the terms, conditions, and obligations set forth in the application for construction permit and in the permit have been fully met and that no causes or circumstances have arisen since the granting of such permit which would make the granting of said license or modification of license against public interest.

Sec. 6. Hearings in Cases Where Applications Are Granted in Part.—Where any application is granted by the commission in part or with any privileges, terms, or conditions other than those requested pursuant to section 5 and without a hearing thereon, the action of the commission shall be considered as the granting of such application unless the applicant shall, within 15 days of the date of mailing by the secretary of his written notice of such action, file with the commission a written request for a hearing with respect to the part or with respect to the privileges, terms, or conditions not granted. The request for hearing shall be accompanied by a statement in writing of the facts which the applicant expects to prove upon such hearing. Upon the receipt of such request and statement in proper form, the application will be set for hearing in the same manner as other applications are set for hearing and the applicant and other parties in interest notified thereof. Within a period of 10 days from the receipt of such notice of hearing the applicant shall deliver or mail a copy of the statement of facts to be proved by it to all other parties notified of the hearing and shall file with the commission an affidavit stating that this requirement has been met. The evidence to be offered by any appli-

cant upon such hearing shall be limited to the matter contained in the applicant's written statement of facts to be proved by it. Pending such hearing the effective date of the commission's action with respect to such application shall be postponed to the date of the commission's decision after hearing.

1687 Sec. 7. All Other Applications Designated for Hearing.—In cases where the application is or has, pursuant to section 4 hereof, been determined to be proper upon its face but the commission is unable to determine without a hearing on the merits;

(*a*) That the granting of such application either in whole or in part would serve public interest, convenience, or necessity;

(*b*) That the granting of such application either in whole or in part would not aggrieve or adversely affect the interest of any person, firm, company, or corporation holding a permit, license, or other instrument of authorization from the commission, or having an application therefor pending before the commission,

the commission will designate the same for hearing and the following procedure will govern:

(1) The secretary shall forthwith mail a written notice to the applicant setting forth the action of the commission (together with such statement of the commission's reasons therefor as shall be appropriate to the nature of the application), the time and place for hearing and a list of the other parties notified thereof.

(2) In order to avail himself of the opportunity to be heard, the applicant shall, within 20 days of the mailing of the notice by the secretary, file with the commission a written appearance consisting of a statement of his desire to be heard, together with a statement in writing of the facts which he expects to prove at such hearing and an affidavit showing that a copy of such written statement has been served upon or mailed to all other parties notified of the hearing.

(3) In case no appearance or statement in writing of the facts to be proved upon such hearing is filed by the applicant within the time so specified (or any extension thereof as the commission may grant upon proper showing), the applicant will be defaulted and the application denied

without a hearing and the secretary shall so notify the other parties to the hearing.

(4) In case the appearance and statement in writing of the facts to be proved is duly and seasonably filed, the application will be entered upon the hearing docket.

(5) If at the date set for hearing, either originally or as a result of continuances, the applicant does not appear, a default will be entered and the commission will deny the application.

(6) After a hearing has been held in accordance with the foregoing, the commission may grant the application, deny it, or grant it in part, or deny it in part.

(7) A partial denial of any application after hearing thereon shall be considered as a denial of the application.

Sec. 8. Repetition of Applications.—Where an applicant has more than one application pending for essen-
1688 tially the same instrument of authorization, with respect to the character of station, type of service and the territory sought to be served, the commission shall determine which of such applications shall be first considered by it. Where an applicant has been afforded an opportunity to be heard with respect to a particular application and the commission has, after hearing or default, denied the application, the commission will not consider or designate for hearing another application by the same applicant, or for his successor or assignee, until after the lapse of periods of time as follows:

(*a*) Where the second application is for exactly or substantially the same instrument of authorization with respect to the privileges, terms and conditions requested, and the territory sought to be served, a period of 12 months must elapse from and after the date of the commission's denial for the first application.

(*b*) Where the second application is for the same kind of instrument of authorization, with respect to type of service and the territory sought to be served, a period of six months must elapse from and after the date of the commission's denial of the first application.

Provided, however, That the foregoing provisions shall have no application where, since the commission's denial of the first application, there has been a material change in the facilities available for designation to the particular

service sought to be established in the territory sought to be served.

Sec. 9. Applications Pending Appeal From Decisions of the Commission.—Where an appeal has been taken from the action of the commission in denying a particular application, the commission will not consider or designate for hearing another application for the same kind of instrument of authorization, with respect to the type of service and territory sought to be served, filed by the same applicant, his successor or assignee, until the final disposition of such appeal provided, however, that where, pursuant to section 7 of subtitle B, an application is granted in part and denied in part and the applicant desires to utilize the partial grant and to contest the partial denial, any such applicant shall be permitted during the pendency of such appeal, and without prejudice thereto, to file such application or applications as shall be necessary or requisite to the utilization, extension, or renewal, but not for a modification of the instrument in the particulars theretofore denied, and the commission will consider and dispose of these applications.

Sec. 10. Application Involving Conflicting Claims, etc.—In fixing dates for hearings the secretary will, so far as possible, endeavor to fix the same date for hearings on all related matters which involve the same applicant and for hearings on all applications which by rea-
1689 son of the privileges, terms, or conditions requested present conflicting claims.

Sec. 11. Depositions.—In exceptional cases the commission may, either on its own motion or on written request by a party setting forth the facts which he expects to prove and the causes or reasons for the taking thereof, issue an order directing the time, place, and manner in which the testimony of a witness shall be taken by deposition. Such order shall be served upon all parties to the proceeding in which the deposition is to be used, and such deposition, when not otherwise directed, shall be taken, transcribed and executed in the usual manner before any officer having power to administer oaths. The time within which any such deposition shall be filed with the commission shall be fixed in the order directing the taking thereof.

Sec. 12. Witnesses and Subpoenas.—Subpoenas may be issued by the commission or any member thereof or by

an examiner appointed by the commission to compel the attendance of any witness at any hearing or at the taking of any deposition, or to compel the production of any document. Service of any such subpoena may be made by any United States marshal or by his deputy or by any citizen of the United States competent to be a witness. If service is made by a United States marshal or by his deputy, his service shall be evidenced by his return thereon; if made by any other person by his affidavit stating the manner in which service was made, which affidavit shall be attached to and returned with the original subpœna. Witnesses who attend any hearing or the taking of any deposition in answer to a subpœna are entitled to and shall receive the same fees and mileage as are paid for like services in the courts of the United States, such sum to be paid by the party at whose instance the testimony is taken.

Sec. 13. Opening and Closing.—In each formal hearing held on an application for an instrument of authorization, the applicant shall have the opening and closing of the evidence and argument, if any. In each formal hearing held on an order of revocation the commission shall have the opening and closing. In cases where the foregoing rules are inapplicable under the issues to be presented, the commission or the person conducting the hearing may fix the order of procedure.

Sec. 14. Amendments.—Where no prejudice results to other parties, a party will be permitted to amend his application, answer, or other pleading at any time prior to the conclusion of hearing provided, however, that no amendment of an application for an instrument of authorization as to the frequency, power, hours of operation, equipment, location of station, or points of communication in
1690 case of stations other than broadcasting) will be permitted unless such amendment is filed with the commission not later than 20 days before the hearing date. In all cases where an amendment is made to any application contrary to the foregoing provisions, such amendment shall have the effect or setting aside the assignment for hearing and any such application so amended shall be treated in all respects as an application originally filed. In any case where an application is amended in the particulars above enumerated the secretary shall notify all parties affected thereby.

Subtitle C.—Revocation Proceedings.

Section 1. Revocation Proceedings and the Conduct Thereof.—Revocation proceedings under section 14 of the radio act shall be governed by the following procedure:

(*a*) Such proceedings shall in all cases be initiated by an order of revocation served upon or mailed by the commission to the holder of the license in question directing him to appear upon a date certain not less than 30 days after receipt of such notice and show cause why such order of revocation should not be made effective. This order of revocation shall be accompanied by a written statement of the cause for such proposed revocation.

(*b*) Either the respondent or any person in interest who would be aggrieved by any such revocation will be accorded an opportunity to appear and be heard in opposition to such order if, prior to the hearing date therein fixed, such respondent or other person shall deliver to the commission a written application therefor.

(*c*) Upon the filing of any such application the order of revocation shall stand suspended until the conclusion of the hearing herein provided for and the decision of the commission thereon; and the commission will forthwith fix the date for hearing and shall immediately mail a written notice of the time and place for such hearing to respondent and to all parties known to be interested in such license. The date fixed for hearing shall not be earlier than 30 days from the mailing of the notice thereof as herein provided.

(*d*) Not later than 20 days after date of mailing of the notices of hearing, respondent shall file with the commission an answer executed and sworn to by a person having knowledge of the facts, in which answer the allegations of the statement of cause for revocation shall be specifically and in detail denied or explained as the case may be. Any person other than the respondent may likewise file an answer within the same time and upon the same terms and conditions. Evidence to be introduced upon such hearing will be limited to the issues formed by the commission's statement of cause for revocation and the answers filed thereto, and in case no such answer is filed within
1691 the period herein fixed or such extension thereof as the commission may allow, an order of default will

be entered, no hearing will be held, and an absolute order of revocation will be issued forthwith.

(*e*) After hearing has been held in accordance with the foregoing, the commission may affirm or revoke such order of revocation.

Subtitle D.—Formal Hearings and the Conduct Thereof.

Section 1.—Parties to Hearings.—All persons who are permitted to be heard in support of any application made by them shall be referred to as "applicants." All persons who are permitted to be heard in opposition to any application or licensees against whom revocation proceedings are instituted shall be referred to as "respondents." All persons, firms, companies, or corporations holding permits, licenses, or other instruments of authorization from the commission, or who have applications pending before the commission who would be aggrieved, or whose interests would be adversely affected by the granting of any application designated for hearing, shall constitute proper parties respondent and shall be notified of any such hearing.

Sec. 2. Commission a Party.—The commission, represented by its general counsel or such assistants as he may designate, shall be a party to every formal hearing to the extent that in its judgment such participation is necessary to carry out the intent of the laws and treaties of the United States and of these regulations.

Sec. 3. Intervention.—Any governmental department or officer, any person, firm, company, or corporation, or any State or political subdivision thereof may, at any time, more than 10 days prior to the date of any hearing, file with the commission a petition to intervene therein in support of or in opposition to any application designated for hearing. If the petition discloses a substantial interest in the subject matter of the hearing the commission will grant the same and permit the petitioner to be heard at such hearing subject to regulations hereinafter imposed.

Sec. 4. Taking of Testimony and Argument.—In case of any formal hearing herein provided for the testimony may be taken before a quorum of the commission, before less than a quorum of the commission or before any examiner appointed by the commission in the discretion of the commission, as follows:

(*a*) In the event that the testimony is taken before the commission it may be followed by oral argument by the parties or by the filing of briefs, or both, at the discretion of the commission, and the case shall thereafter be decided by the commission on the basis of the testimony heard and the proceedings had.

1692 (*b*) In the event that the testimony is taken before less than a quorum of the commission or before an examiner, the testimony, duly transcribed, shall be reported back to the commission by the person or persons conducting such hearing together with a written report containing recommendations as to the decision to be made thereon and the facts and grounds upon which such recommendation is based. A copy of such report shall be mailed by the commission to each party participating in the hearing, and such party or parties shall have the right, providing the same is exercised within a period of 15 days from the mailing of such report, to file exceptions to said report. Such exceptions shall point out with particularity the alleged error in said report and shall contain specific reference to the page or pages of the transcript of hearing or report referred to. In case any party filing an exception to a report desires oral argument thereon, he shall accompany the exceptions with a written request for such argument before a quorum of the commission and shall file therewith an affidavit stating that a copy of such exceptions and request for oral argument has been mailed to or served upon every other party participating in the hearing. Upon receipt of such request and affidavit, the commission may in its discretion fix a time for such oral argument to be held at its office in Washington, D. C., and give adequate notice to all parties participating in the hearing or it may consider and decide such matter without argument.

Sec. 5 Continuances.—Continuances of date of hearing, extensions of time for filing documents required to be filed, or for the taking of any other step in connection with any hearing, may be granted for reasons such as are usually considered sufficient for analogous continuances and extensions in the courts of the United States, providing, however, that request for such shall be made in writing setting forth the reasons therefor, and the additional time required, and provided, further, that such requests shall be made at a time and in such manner as to avoid unneces-

sary hardship or expense to other parties to the proceeding.

Sec. 6. Briefs.—Whenever consent is given to the filing of any briefs in connection with any hearing, 10 copies shall be filed with the commission within 20 days from the date on which hearing of testimoy is concluded unless upon an affirmative showing the commission fixes a longer period. Each other party shall have 10 days from the filing of such brief within which to file an answer brief to any brief filed by such party. At or prior to the date fixed for filing any brief, the party filing the same shall serve or mail at least one copy thereof to every other party to the proceeding and no briefs will be accepted or consid-
1693 sidered by the commission unless accompanied by an affidavit to the effect that this requirement has been met.

Sec. 7. Documents to be Typewritten or Printed.—All pleadings, briefs, or other documents filed in connection with any hearing shall be printed or typewritten with such type and on such quality of paper as shall be easily legible. The commission reserves the right to refuse to receive or consider any document that does not meet this requirement.

Sec. 8. Evidence.—Except as hereinafter stated the rules of evidence governing civil proceedings in the courts of the United States shall govern formal hearings before the commission, any commissioner or examiner, provided, however, that the commission reserves the right to relax such rules in any case where in its judgment the ends of justice will be better served by so doing.

(*a*) In any hearing on an application for an instrument of authorization the following records of the commission shall be considered as a part of the record without special request or offer by any party unless otherwise stated in the transcript;

(1) A list of all stations, together with their authorized power, frequency, and hours of operation, licensed in the band of frequencies[1] in which authorization to operate is sought;

[1] "Band" or "band of frequencies" as used herein shall be taken as referring to the major bands, namely, low (10 to 100 kilocycles), meduim (100 to 550 kilocycles), broadcast (550 to 1,500 kilocycles), medium high (1,500 to 6,000 kilocycles), high (6,000 to 30,000 kilocycles), and very high (above 30,000 kilocycles).

(2) A list of all applications pending at the date of said hearing with respect to any station seeking to operate in said band;[1]

(3) Such of the commission's published rules, regulations and general orders as have to do with the band of frequencies in question and with the services permitted in such band.[1]

(*b*) Copies of reports of any governmental department or agency made by an employee thereof in the course of his duties in so far as they are material shall be admissible in evidence without further authentication than a statement from the proper custodian of any such record or from the person compiling the same that the copy in question is a true copy of such record and that the record is what it purports to be.

(*c*) Where relevant and material matter offered in evidence is embraced in a document containing other matter not material or relevant and not intended to be put in evidence, such document will not be received but the party offering the same shall present to opposing counsel and to the commission the original document together with true copies of such material and relevant matter taken therefrom as it is desired to introduce. Upon presenta-
1694 tion of such matter in proper form it may be received in evidence and become a part of the record, provided, however, that opposing counsel shall be afforded an opportunity to introduce in evidence, in like manner, other portions of such document if found to be material and relevant.

(*d*) Except as herein otherwise expressly provided no document or exhibit or a part thereof shall be received as or admitted in evidence unless the offer in evidence is accompanied by a tender of the original and a full, true, and correct copy or a full, true, and correct copy of such documen or exhibit in duplicate.

(*e*) Except as herein expressly stated, unsworn documents and oral declarations will not be received in evidence.

(*f*) The introduction of merely cumulative evidence shall be avoided and the commission reserves the right to limit

[1] "Band" or "band of frequencies" as used herein shall be taken as referring to the major bands, namely, low (10 to 100 kilocycles), medium (100 to 550 kilocycles), broadcast (550 to 1,500 kilocycles), medium high (1,500 to 6,000 kilocycles), high (6,000 to 30,000 kilocycles), and very high (above 30,000 kilocycles).

the number of witnesses that may be heard in behalf of a party on any issue.

(*g*) Any party desiring to present his case in whole or in part by affidavit may do so by adhering to the following procedure:

(1) Affidavits must be limited to material facts personally known to affiants and must not contain expressions of opinion, argument, or conclusions;

(2) Only the affidavits of parties and their respective agents and employees will be received;

(3) Copies of all affidavits intended to be used in any hearing must be served upon or mailed to the commission and all parties notified of the hearing not less than 15 days prior to the hearing date and no affidavits will be received or considered by the commission unless accompanied by a further affidavit by the party, his agent or attorney, stating that this requirement has been met;

(4) Any party to a hearing may, upon the receipt of a copy of an affidavit from any other party, as provided in the foregoing subparagraph (3), prepare and file counter-affidavits which shall be limited in their scope to an explanation or denial of the facts alleged in the affidavits to which they relate.

Subtitle E.—Informal Hearings and the Conduct Thereof.

Section 1. Method of Obtaining and Procedure.—The commission may upon petition by any person or upon its own motion hold such informal hearings as it may deem necessary from time to time in connection with the investigation of any matter which it has power to investigate under the law, or for the purpose of obtaining information necessary or helpful in the determination of its policies, the carrying out of its duties, or the formulation or amendment of its rules and regulations. For such purposes it may summon witnesses and require the production of testimony as in formal hearings but the procedure to be fol-
1695 lowed shall be informal and such as in the opinion of the commission will best serve the purposes of such hearing.

Subtitle F.—Preparation of Record on Appeal.

Section 1. Preparation and Stipulation by General Counsel.—Where an appeal is taken from a decision of the commission to the Court of Appeals of the District of Columbia

or to a district court in the United States, the record required to be filed in such court by section 16 of the radio act of 1927 shall be prepared under the supervision of the general counsel of the commission and shall be certified by the secretary of the commission. The general counsel shall have power to stipulate with the appellant to such extent as may be necessary to omit unnecessary matter from the record provided that the interests of neither the commission nor of any other party to the record is adversely affected by such omission.

Sec. 2. Stipulation Between Parties.—Where the case hah been in its essential nature a controversy between two or more parties and no interest of the commission or of the public is involved, the general counsel will observe and give effect to any stipulation entered into between the parties as to what matters shall or shall not be included in the record.

Subtitle G.—General Orders.

Section 1. Scope, Promulgation, and Effective Date.—Such action by the commission as affects a large number of persons and does not arise out of a formal hearing, such as the enactment of further regulations or as an amendment to these regulations, shall be taken by general order which shall be promptly promulgated by the secretary, shall be numbered serially and shall bear both the date of adoption and the effective date.

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UNITED STATES OF AMERICA
FEDERAL RADIO COMMISSION

BROADCASTING RADIO STATIONS

OF THE

UNITED STATES

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ABBREVIATIONS

C. P.—Construction permit authorized.
D.—Daytime. See General Order No. 41.
LP.—Limited power. See General Order No. 42.
LS.—Power until local sunset.
LT.—Limited time. See General Order No. 48.
T.—Where transmitter location differs from main studio, same is shown below main studio location.
W.—Watts.
KW.—Kilowatts.

GENERAL ORDER NO. 41

FEDERAL RADIO COMMISSION,
Washington, D. C.

At a session of the Federal Radio Commission held at its office in Washington, D. C., on September 4, 1928—

It is ordered that a daytime broadcasting station is hereby defined as a station which under its license from this commission is permitted to operate only during certain designated hours during the daytime and is not permitted to operate at any time when its operation will cause heterodyne interference with other broadcasting stations assigned to the same frequency.

No daytime station will be permitted to operate after the average time for sunset during any particular month, to be determined from time to time by the chief engineer of the commission. The time of such sunset shall be taken with reference to the location of the transmitter of the daytime broadcasting station unless it is the farthest east of the stations assigned to the same frequency; in this event the time shall be taken with reference to the location of the transmitter of the nearest broadcasting station on the same frequency located to the west of such daytime broadcasting station.

[SEAL.]

FEDERAL RADIO COMMISSION,
By E. O. SYKES,
Acting Chairman.

GENERAL ORDER NO. 42 AS AMENDED

FEDERAL RADIO COMMISSION,
Washington, D. C.

At a session of the Federal Radio Commission held at its office in Washington, D. C., on June 16, 1930—

It is ordered:

1. That, except as hereinafter stated, no broadcasting station assigned to any of the frequencies set forth in subparagraph A of paragraph 4 of General Order No. 40 be authorized to use in excess of 25 kilowatts until further order of the commission.

2. That, until further order of the commission, not more than 4 of such frequencies from each zone shall be assigned for use of stations operating with 25 kilowatts regular and 25 kilowatts experimental power.

3. That, for experimental purposes, the commission may authorize the use of any amount of power in excess of 50 kilowatts, in

equal amounts for each zone, by such broadcasting stations at such hours between midnight and morning as may be determined by the commission.

4. That, the commission may authorize the use of an amount of power not in excess of twice that above set forth in paragraphs 1 and 2, by the broadcasting stations therein referred to, respectively, for daytime operation only, the exact hours to be determined by the commission.

5. That, nothing stated in this order shall be construed as giving any broadcasting station any right or claim to any of the maximum amounts of power hereinabove set forth, or to any amount of power in excess of the amount which the commission shall from time to time in each case find best calculated to serve public interest, convenience or necessity.

FEDERAL RADIO COMMISSION,
By C. McK. SALTZMAN,
Chairman.

GENERAL ORDER NO. 48

FEDERAL RADIO COMMISSION,
WASHINGTON, D. C., *October 24, 1928.*

At a session of the Federal Radio Commission held at its offices in Washington, D. C., on October 22, 1928—

A limited time broadcasting station is hereby defined as a station which, under its license from this commission, is permitted to operate during hours allowed daytime broadcasting stations as specified in General Order No. 41, and in addition during certain time temporarily not used by the unrestricted station or stations on the same frequency. An example is the use of late evening hours by a limited time broadcasting station in the West after the closing of an eastern station on the same frequency.

A limited time broadcasting station desiring to operate after sunset shall so notify the commission, which will ascertain what hours the use of which is not desired by the unrestricted station or stations on the same frequency, and will thereafter authorize the operation of the limited time station accordingly, subject, however, to the right of said unrestricted station or stations to reclaim the use of such hours upon reasonable notice to the commission and to the limited time broadcasting station.

A limited time broadcasting station will not be permitted to operate at any time when its operation will cause heterodyne interference with other broadcasting stations assigned to the same frequency.

FEDERAL RADIO COMMISSION,
[SEAL.] By IRA E. ROBINSON,
Chairman.

BROADCASTING STATIONS, ALPHABETICALLY BY CALL SIGNALS

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operation
WAAF	Chicago, Ill	Drovers Journal Publishing Co	500W	920	Daytime.
WAAM	Newark, N. J	WAAM (Inc.)	1KW / 2KW-LS [1]	1250	Shares with WGCP and WODA.
WAAT	Jersey City, N. J	Bremer Broadcasting Corporation	300W	940	Daytime until 6 p. m. eastern standard time.
WAAW	Omaha, Nebr	Omaha Grain Exchange	500W	660	Daytime.
WABC-WBOQ	New York, N. Y. T-W. of Cross Bay Boulevard, Queens County, N. Y. [2]	Atlantic Broadcasting Corporation.	5KW	860	Unlimited.
WABI	Bangor, Me	Pine Tree Broadcasting Corporation.	100W	1200	Do.
WABO-WHEC	See WHEC-WABO.				
WABZ	New Orleans, La	Coliseum Place Baptist Church	100W	1200	Shares with WJBW.
WACO	Waco, Tex	Central Texas Broadcasting Co. (Inc.)	1KW	1240	Shares with KTAT.
WADC	Tallmadge, Ohio	Allen T. Simmons	1KW	1320	Unlimited.
WAIU	Columbus, Ohio	American Insurance Union	500W	640	Limited time.
WALR	Zanesville, Ohio	Roy W. Waller	100W	1210	Unlimited.
WAPI	Birmingham, Ala	Alabama Polytechnic Institute, University of Alabama, and Alabama College.	5KW	1140	Shares with KVOO.
WASH	Grand Rapids, Mich	WASH Broadcasting Corporation	500W	1270	Shares with WOOD.
WAWZ	Zarephath, N. J	Pillar of Fire	250W	1350	Shares with WCDA, WMSG, and WBNX. C. P. only.
WBAA	West Lafayette, Ind	Purdue University	500W / 1KW-LS	1400	Shares with WCMA and WKBF.
WBAK	Harrisburg, Pa	Pennsylvania State Police, Commonwealth of Pennsylvania.	500W / 1KW-LS	1430	Shares with WHP and WCAH.
WBAL	Baltimore, Md. T—Glen Morris.	Consolidated Gas Electric Light & Power Co. of Baltimore.	10KW	1060	Shares with WTIC.

[1] C. P. to increase power to 2½KW-LS.
[2] C. P. to move transmitter to Wayne, N. J., and increase power to 50KW-LP.

BROADCASTING STATIONS, ALPHABETICALLY BY CALL SIGNALS—Continued

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operation
WBAP	Fort Worth, Tex	Carter Publications (Inc.)	50KW-LP[3]	800	Shares with WFAA.
WBAX	Wilkes-Barre, Pa. T—Plains Township.	John H. Stenger, jr	100W	1210	Shares with WJBU.
WBBC	Brooklyn, N. Y.	Brooklyn Broadcasting Corporation.	500W	1400	Shares with WFOX, WCGU, and WLTH.
WBBL	Richmond, Va	Grace Covenant Presbyterian Church.	100W	1210	Certain hours Sundays only.
WBBM-WJBT	Chicago, Ill. T—Glenview, Ill.	Atlass Company (Inc.)	25KW	770	Shares with KFAB.
WBBR	Brooklyn, N. Y. T—Rossville, N. Y.	People's Pulpit Association	1KW	1300	Shares with WHAZ, WHAP, and WEVD.
WBBZ	Ponca City, Okla	C. L. Carrell	100W	1200	Unlimited.
WBCM	Bay City, Mich. T—Hampton Township.	James E. Davidson	500W	1410	Do.
WBEN	Buffalo, N. Y. T—Martinsville.	Edw. H. Butler, trustee for Ada Butler Mitchell, and Edw. H. Butler, trading as Buffalo Evening News.	1KW	900	Do.
WBEO	Marquette, Mich	Charles C. MacLeod	100W	1310	Unlimited. C. P. only.
WBGF	Glens Falls, N. Y	W. Neal Parker and Herbert H. Metcalfe.	50W	1370	Unlimited.
WBIG	Greensboro, N. C	North Carolina Broadcasting Co. (Inc.).	500W	1440	Do.
WBIS-WNAC	See WNAC-WBIS.				
WBMS	Hackensack, N. J	WBMS Broadcasting Corporation	250W	1450	Shares with WNJ, WKBO, and WHOM.
WBNX	New York, N. Y	Standard Cahill Co. (Inc.)	250W	1350	Shares with WAWZ, WMSG, and WCDA.
WBOQ-WABC	See WABC-WBOQ.				
WBOW	Terre Haute, Ind	Banks of Wabash (Inc.)	100W	1310	Unlimited.
WBRC	Birmingham, Ala	Birmingham Broadcasting Co. (Inc.)	500W / 1KW-LS	930	Do.

WBRE	Wilkes-Barre, Pa	Louis G. Baltimore	100W	1310	Do.
WBSO	Needham, Mass	Babson's Statistical Organization (Inc.).	500W	920	Daytime.
WBT	Charlotte, N. C	Station WBT (Inc.)	5KW	1080	Unlimited.
WBTM	Danville, Va	L. H., R. G., & A. S. Clarke, doing business as Clarke Electric Co.	100W	1370	Shares with WLVA.
WBZ	Springfield, Mass. T–E. Springfield.[4]	Westinghouse Electric & Manufacturing Co.	15KW	990	Shares with WBZA.
WBZA	Boston, Mass.[5]	do	500W	990	Shares with WBZ.
WCAC	Storrs, Conn	Connecticut Agricultural College	250W	600	Shares with WGBS.
WCAD	Canton, N. Y	St. Lawrence University	500W	1220	Daytime.
WCAE	Pittsburgh, Pa	Kaufman & Baer Co	1KW	1220	Unlimited.
WCAH	Columbus, Ohio	Commercial Radio Service Co	500W	1430	Shares with WHP and WBAK.
WCAJ	Lincoln, Nebr.[6]	Nebraska Wesleyan University	500W	590	Shares with WOW.
WCAL	Northfield, Minn	St. Olaf College	1KW	1250	Shares with KFMX, WRHM, and WLB.
WCAM	Camden, N. J	City of Camden	500W	1280	Shares with WOAX and WCAP.
WCAO	Baltimore, Md	Monumental Radio (Inc.)	250W	600	Unlimited.
WCAP	Asbury Park, N. J	Radio Industries Broadcast Co	500W	1280	Shares with WCAM and WOAX.
WCAT	Rapid City, S. Dak	South Dakota State School of Mines	100W	1200	Unlimited.
WCAU	Philadelphia, Pa. T—Byberry, Pa.	Universal Broadcasting Co	10KW	1170	Do.
WCAX	Burlington, Vt	University of Vermont	100W	1200	Shares with WNBX.
WCAZ	Carthage, Ill	Superior Broadcasting Service (Inc.).	50W	1070	Daytime.
WCBA	Allentown, Pa	B. Bryan Musselman	250W	1440	Shares with WSAN.
WCBD	Zion, Ill	Wilbur Glenn Voliva	5KW	1080	Limited. Shares with WMBI.
WCBM	Baltimore, Md	Baltimore Broadcasting Corporation.	100W / 250W–LS	1370	Unlimited.
WCBS	Springfield, Ill	Charles H. Messter and Harold L. Dewing.	100W	1210	Shares with WTAX.
WCCO	Minneapolis, Minn. T—Anoka, Minn.	Northwestern Broadcasting (Inc.)	7½KW	810	Unlimited.

[3] Licensed at present for 10 kw. only.
[4] C. P. to move transmitter to Millis Township, Mass., studio to Boston, Mass., and consolidate with WBZA.
[5] C. P. to move transmitter to East Springfield and increase power to 1 KW.
[6] C. P. to decrease power to 250 watts.

BROADCASTING STATIONS, ALPHABETICALLY BY CALL SIGNALS—Continued

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operation
WCDA	New York, N. Y. T—Cliffside Park, N. J.	Italian Educational Broadcasting Co. (Inc.).	250W	1350	Shares with WAWZ, WBNX, and WMSG.
WCFL	Chicago, Ill	Chicago Federation of Labor	1½KW	970	Limited.
WCGU	Brooklyn, N. Y	United States Broadcasting Corporation.	500W	1400	Shares with WFOX, WLTH, and WBBC.
WCHI	Chicago, Ill. T—Batavia, Ill.	People's Pulpit Association	5KW	1490	Shares with WJAZ and WCKY.
WCKY	Covington, Ky. T—Crescent Springs, Ky.	L. B. Wilson (Inc.)	5KW	1490	Shares with WJAZ and WCHI.
WCLB	Brooklyn, N. Y	Arthur Faske	100W	1500	Shares with WWRL, WLBX, and WMBQ. C. P. only.
WCLO	Janesville, Wis	WCLO Radio Corporation	100W	1200	Unlimited.
WCLS	Joliet, Ill	WCLS (Inc.)	100W	1310	Shares with WKBB.
WCMA	Culver, Ind	General Broadcasting Corporation	500W	1400	Shares with WKBF and WBAA.
WCOA	Pensacola, Fla	City of Pensacola, Fla	500W	1340	Unlimited.
WCOC	Meridian, Miss	Mississippi Broadcasting Co. (Inc.)	500W / 1KW-LS	880	Do.
WCOD	Harrisburg, Pa	Keystone Broadcasting Corporation.	100W	1200	Shares with WKJC.
WCOH	Yonkers, N. Y. T—Greenville, N. Y.	Westchester Broadcasting Corporation.	100W	1210	Shares with WJBI, WGBB, and WMRJ.
WCRW	Chicago, Ill	Clinton R. White	100W	1210	Shares with WSBC and WEDC.
WCSC	Charleston, S. C	Fred Jordan & Lewis Burk	500W	1360	Unlimited.
WCSH	Portland, Me. T—Scarboro, Me.	Congress Square Hotel Co	1KW	940	Do.
WDAE	Tampa, Fla	Tampa Publishing Co	1KW	1220	Do.
WDAF	Kansas City, Mo	Kansas City Star Co	1KW	610	Do.
WDAG	Amarillo, Tex	National Radio and Broadcasting Corporation.	250W[7]	1410	Shares with KGRS.
WDAH	El Paso, Tex	E. E., C. T., E. M., and Ernest Wilson, doing business as Eagle Broadcasting Co.	100W	1310	Shares with KTSM.

WDAY	Fargo, N. Dak. T—W. Fargo, N. Dak.	WDAY (Inc.)	1KW	940	Unlimited.
WDBJ	Roanoke, Va	Richardson-Wayland Electrical Corporation.	250W 500W-LS	930	Do.
WDBO	Orlando, Fla	Orlando Broadcasting Co. (Inc.)	500W 1KW-LS	1120	One-half time.
WDEL	Wilmington, Del	WDEL (Inc.)	250W 350W-LS [6]	1120	Unlimited.
WDGY	Minneapolis, Minn	Dr. George W. Young	1KW	1180	Limited. Shares with WHDI.
WDIX	Tupelo, Miss	North Mississippi Broadcasting Corporation.	100W	1500	Unlimited.
WDOD	Chattanooga, Tenn. T—Brainerd, Tenn.	WDOD Broadcasting Co	1KW 2½KW-LS	1280	Do.
WDRC	Hartford, Conn. T—Bloomfield, Conn.	Doolittle Radio Corporation	500W	1330	Do.
WDSU	New Orleans, La. T—Gretna, La.	Joseph H. Uhalt	1KW	1250	Do.
WDWF-WLSI	Providence, R. I. T—Cranston, R. I.	Dutee Wilcox Flint and Lincoln Studios (Inc.).	100W	1210	Shares with WPAW.
WDZ	Tuscola, Ill	James L. Bush	100W	1070	Daytime.
WEAF	New York, N. Y. T—Bellmore, N. Y.	National Broadcasting Co. (Inc.)	50KW-LP	660	Unlimited.
WEAI	Ithaca, N. Y	Cornell University	1KW	1270	Daytime.
WEAN	Providence, R. I	Shepard Broadcasting Service (Inc.)	250W 500W-LS	780	Unlimited.
WEAO	Columbus, Ohio	Ohio State University	750W	570	Shares with WKBN.
WEBC	Superior, Wis	Head of the Lakes Broadcasting Co.	1KW 2½KW-LS	1290	Unlimited.
WEBQ	Harrisburg, Ill	First Trust & Savings Bank of Harrisburg, Ill.	100W	1210	Shares with KFVS.
WEBR	Buffalo, N. Y	Howell Broadcasting Co. (Inc.)	100W 200W-LS	1310	Unlimited.
WEDC	Chicago, Ill	Emil Denemark (Inc.)	100W	1210	Shares with WCRW and WSBC.
WEDH	Erie, Pa	Erie Dispatch-Herald Broadcasting Corporation.	100W	1420	Unlimited.
WEEI	Boston, Mass. T—Weymouth, Mass.	Edison Electric Illuminating Co. of Boston.	1KW	590	Do.

[5] C. P. to increase power to 1KW.

[6] C. P. to increase power to 500W-LS.

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BROADCASTING STATIONS, ALPHABETICALLY BY CALL SIGNALS—Continued

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operation
WEHC	Emory, Va	Emory & Henry College	100W 250W–LS	1200	Unlimited.
WEHS	Evanston, Ill	WEHS (Inc.)	100W	1420	Shares with WKBI and WHFC.
WELK	Philadelphia, Pa	WELK Broadcasting Station (Inc.)	100W 250W–LS	1370	Unlimited.
WELL	Battle Creek, Mich	Enquirer-News Co	50W [9]	1420	Do.
WENR–WBCN	Chicago, Ill. T—Downers Grove, Ill.	Great Lakes Broadcasting Co	50KW–LP	870	Shares with WLS.
WEPS–WORC	See WORC–WEPS.				
WEVD	New York, N. Y. T—Forest Hills, N. Y.	Debs Memorial Radio Fund (Inc.)	500W	1309	Shares with WBBR, WHAP, and WHAZ.
WEW	St. Louis, Mo	St. Louis University	1KW	760	Daytime.
WEXL	Royal Oak, Mich	Royal Oak Broadcasting Co	50W	1310	Unlimited.
WFAA	Dallas, Tex. T—Grapevine, Tex.	The Dallas News and Dallas Journal (A. H. Belo Corporation).	50KW–LP	800	Shares with WBAP.
WFAN	Philadelphia, Pa	Keystone Broadcasting Co	500W	610	Shares with WIP.
WFBC	Knoxville, Tenn	First Baptist Church	50W	1200	Unlimited.
WFBE	Cincinnati, Ohio	Radio Station WFBE (Inc.)	100W 250W–LS	1200	Do.
WFBG	Altoona, Pa	Wm. F. Gable Co	100W [10]	1310	Shares with WJAC.
WFBL	Syracuse, N. Y. [11]	Onondaga Radio Broadcasting Corporation.	1KW	1360	Unlimited.
WFBM	Indianapolis, Ind	Indianapolis Power and Light Co	1KW	1230	Shares with WSBT.
WFBR	Baltimore, Md	Baltimore Radio Show (Inc.)	500W	1270	Unlimited.
WFDF	Flint, Mich	Frank D. Fallain	100W	1310	Do.
WFDV	Rome, Ga	Dolies Goings	100W	1370	Do.
WFDW	Talledega, Ala	Raymond C. Hammett	100W	1420	Do.
WFI	Philadelphia, Pa	Strawbridge & Clothier	500W	560	Shares with WLIT.
WFIW	Hopkinsville, Ky	WFIW (Inc.)	1KW	940	Unlimited.
WFLA–WSUN	Clearwater, Fla	Clearwater Chamber of Commerce and St. Petersburg Chamber of Commerce.	1KW 2½KW–LS	620	Do.

WFOX	Brooklyn, N. Y.	Paramount Broadcasting Corporation.	500W	1400	Shares with WCGU, WLTH, and WBBC.
WGAL	Lancaster, Pa.	WGAL (Inc.)	100W	1310	Shares with WRAW.
WGAR	Cleveland, Ohio	The WGAR Broadcasting Co.	500W	1450	Unlimited.
WGBB	Freeport, N. Y.	Harry H. Carman	100W	1210	Shares with WJBI, WCOH, and WMRJ.
WGBC	Memphis, Tenn.	Memphis Broadcasting Co.	500W	1430	Shares with WNBR.
WGBF	Evansville, Ind.	Evansville on the Air (Inc.)	500W	630	Shares with WOS and KFRU.
WGBI	Scranton, Pa.	Scranton Broadcasters (Inc.)	250W	880	Shares with WQAN.
WGBS	New York, N. Y. T—Astoria, Long Island, N. Y.	General Broadcasting System (Inc.)	250W 500W-LS [12]	600	Shares with WCAC.
WGCM	Gulfport, Miss. T—Mississippi City, Miss.	Great Southern Land Co.	100W	1210	Unlimited.
WGCP	Newark, N. J.	May Radio Broadcast Corporation.	250W	1250	Shares with WODA and WAAM.
WGES	Chicago, Ill.	Oak Leaves Broadcasting Station (Inc.).	500W 1KW-LS [13]	1360	Shares with WJKS.
WGH	Newport News, Va.	Hampton Roads Broadcasting Corporation.	100W	1310	Unlimited.
WGL	Fort Wayne, Ind.	Fred C. Zieg (Allen-Wayne Co.)	100W	1370	Do.
WGMS-WLB	See WLB-WGMS.				
WGN-WLIB	Chicago, Ill. T—Elgin, Ill.	The Tribune Co.	25KW	720	Do.
WGR	Buffalo, N. Y. T—Amherst, N. Y.	Buffalo Broadcasting Corporation	1KW	550	Do.
WGST	Atlanta, Ga.	Georgia School of Technology	250W 500W-LS	890	Shares with WMAZ.
WGY	Schenectady, N. Y. T—South Schenectady, N. Y.	General Electric Co.	50KW	790	Unlimited.
WHA	Madison, Wis.	University of Wisconsin	750W	940	Daytime.
WHAD	Milwaukee, Wis.	Marquette University	250W	1120	Shares with WISN.
WHAM	Rochester, N. Y. T—Victor Township, N. Y.	Stromberg-Carlson Telephone Manufacturing Co.	5KW	1150	Unlimited.

[9] C. P. to increase power to 100 watts.
[10] C. P. to increase power to 250 watts LS.
[11] C. P. to move transmitter to Collamer, N. Y., and increase power to 2½ KW-LS.
[12] Experimentally.
[13] On Sunday experimentally.

BROADCASTING STATIONS, ALPHABETICALLY BY CALL SIGNALS—Continued

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operation
WHAP	New York, N. Y. T—Carlstadt, N. J.	Defenders of Truth Society (Inc.)	1KW	1300	Shares with WBBR, WEVD, and WHAZ.
WHAS	Louisville, Ky. T—Jeffersontown, Ky.	The Courier-Journal Co. and the Louisville Times Co.	10KW	820	Unlimited.
WHAT	Philadelphia, Pa	Independence Broadcasting Co	100W	1310	Shares with WTEL.
WHAZ	Troy, N. Y	Rensselaer Polytechnic Institute	500W	1300	Shares with WBBR, WHAP, and WEVD.
WHB	Kansas City, Mo. T—North Kansas City, Mo.	WHB Broadcasting Co	500W	860	Daytime.
WHBC	Canton, Ohio	St. John's Catholic Church	10W	1200	Shares with WNBO on Sundays.
WHBD	Mount Orab, Ohio	F. P. Moler	100W	1370	Unlimited.
WHBF	Rock Island, Ill	Beardsley Specialty Co	100W	1210	Do.
WHBL	Sheboygan, Wis	Press Publishing Co	500W	1410	Shares with KFLV.
WHBQ	Memphis, Tenn	Broadcasting Station WHBQ (Inc.)	100W	1370	Unlimited.
WHBU	Anderson, Ind	Citizens Bank	100W	1210	Do.
WHBY	Green Bay, Wis. T—West De Pere, Wis.	St. Norbert College	100W	1200	Do.
WHDF	Calumet, Mich	Upper Michigan Broadcasting Co	100W 250W-LS	1370	Do.
WHDH	Boston, Mass. T—Gloucester, Mass.	Matheson Radio Co. (Inc.)	1KW	830	Daytime until sunset at Denver, Colo.
WHDI	Minneapolis, Minn	William Hood Dunwoody Industrial Institute.	500W	1180	Limited. Shares with WDGY.
WHDL	Tupper Lake, N. Y	Tupper Lake Broadcasting Co. (Inc.).	10W [16]	1420	Daytime.
WHEC-WABO	Rochester, N. Y	Hickson Electric & Radio Corporation.	500W	1440	Shares with WOKO.
WHFC	Cicero, Ill	Triangle Broadcasters	100W	1420	Shares with WKBI and WEHS
WHIS	Bluefield, W. Va	Daily Telegraph Printing Co	100W [15]	1420	Unlimited.

WHK	Cleveland, Ohio. T—Seven Hills, Ohio.	Radio Air Service Corporation	1KW	1390	Do.
WHN	New York, N. Y.	Marcus Loew Booking Agency	250W	1010	Shares with WRNY and WQAO–WPAP.
WHO	Des Moines, Iowa	Central Broadcasting Co	5KW	1000	Synchronizes with WOC experimentally.
WHOM	Jersey City, N. J.	New Jersey Broadcasting Corporation.	250W	1450	Shares with WBMS, WKBO, and WNJ.
WHP	Harrisburg, Pa. T—Lemoyne, Pa.	WHP (Inc.)	500W 1KW–LS	1430	Shares with WBAK and WCAH.
WIAS	Ottumwa, Iowa	Iowa Broadcasting Co	100W	1420	Unlimited.
WIBA	Madison, Wis.	The Capital Times Co	500W	1280	Do.
WIBG	Elkins Park, Pa.	St. Pauls Protestant Episcopal Church.	50W	930	Daytime.
WIBM	Jackson, Mich.	WIBM (Inc.)	100W	1370	Shares with WJBK.
WIBO	Chicago, Ill. T—Des Plaines, Ill.	Nelson Bros. Bond & Mortgage Co.	1KW 1½KW–LS	560	Shares with WPCC and WISJ.[16]
WIBR	Steubenville, Ohio	George W. Robinson	50W	1420	One-half time.
WIBU	Poynette, Wis.	Wm. C. Forrest	100W	1210	Unlimited.
WIBW	Topeka, Kans.	Topeka Broadcasting Association (Inc.).	1KW [17]	580	Shares with KSAC.
WIBX	Utica, N. Y.	WIBX (Inc.)	100W 300W–LS	1200	Unlimited.
WICC	Bridgeport, Conn. T—Easton, Conn.	Bridgeport Broadcasting Station (Inc.).	500W	1190	Daytime.
WIL	St. Louis, Mo.	Missouri Broadcasting Corporation.	100W 250W–LS	1200	Shares with KFWF.
WILL	Urbana, Ill.	University of Illinois	250W 500W–LS	890	Shares with KFNF and KUSD.
WILM	Wilmington, Del. T—Edge Moor, Del.	Delaware Broadcasting Co. (Inc.)	100W	1420	Unlimited.
WIOD–WMBF	Miami, Fla. T—Miami Beach, Fla.	Isle of Dreams Broadcasting Corporation.	1KW	1300	Do.
WIP	Philadelphia, Pa.	Gimbel Bros. (Inc.)	500W	610	Shares with WFAN.
WIS	Columbia, S. C.	South Carolina Broadcasting Co. (Inc.).	500W 1KW–LS	1010	Unlimited.

[16] C. P. to increase power to 100 watts.
[16] C. P. to increase power to 250 watts, to change frequency to 1410 kc., and to operate one-half time.
[16] WISJ temporarily operating on 780 kilocycles.
[17] Experimentally.

BROADCASTING STATIONS, ALPHABETICALLY BY CALL SIGNALS—Continued

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operation
WISJ	South Madison, Wis.	The Wisconsin State Journal Broadcasting Co.	250W 500W–LS	[18]780	Unlimited.
WISN	Milwaukee, Wis.	Evening Wisconsin Co.	250W	1120	Shares with WHAD.
WJAC	Johnstown, Pa.	Johnstown Automobile Co.	100W	1310	Shares with WFBG.
WJAG	Norfolk, Nebr.	Norfolk Daily News	1KW	1060	Limited.
WJAK	Marion, Ind.	Marion Broadcast Co.	50W	1310	Shares with WLBC.
WJAR	Providence, R. I.	The Outlet Co.	250W 400W–LS	890	Unlimited.
WJAS	Pittsburgh, Pa. T—North Fayette Township, Pa.	Pittsburgh Radio Supply House	1KW 2½KW–LS	1290	Do.
WJAX	Jacksonville, Fla.	City of Jacksonville	1KW	900	Do.
WJAY	Cleveland, Ohio	Cleveland Radio Bradcasting Corporation.	500W	610	Daytime.
WJAZ	Mount Prospect, Ill.	Zenith Radio Corporation	5KW	1490	Shares with WCHI and WCKY.
WJBC	La Salle, Ill.	Wayne Hummer and H. J. Dee, doing business as Kaskaskia Broadcasting Co.	100W	1200	Shares with WJBL.
WJBI	Red Bank, N. J.	Monmouth Broadcasting Co.	100W	1210	Shares with WGBB, WCOH, and WMRJ.
WJBK	Highland Park, Mich.	James F. Hopkins (Inc.)	50W	1370	Shares with WIBM.
WJBL	Decatur, Ill.	Commodore Broadcasting (Inc.)	100W	1200	Shares with WJBC.
WJBO	New Orleans, La.	Valdemar Jensen	100W	1420	Unlimited.
WJBT–WBBM	See WBBM–WJBT.				
WJBU	Lewisburg, Pa.	Bucknell University	100W	1210	Shares with WBAX.
WJBW	New Orleans, La.	C. Carlson	30W [19]	1200	Shares with WABZ.
WJBY	Gadsden, Ala.	Gadsden Broadcasting Co. (Inc.)	50W	1210	Unlimited.
WJDX	Jackson, Miss.	Lamar Life Insurance Co.	1KW	1270	Do.
WJJD	Mooseheart, Ill.	Supreme Lodge of the World, Loyal Order of Moose.	20KW	1130	Limited.
WJKS	Gary, Ind.	Johnson-Kennedy Radio Corporation.	1KW 1¼KW–LS	1360	Shares with WGES.

WJR	Detroit, Mich. T—Sylvan Lake Village, Mich.	WJR, the Goodwill Station (Inc.)	5KW	750	Unlimited.
WJSV	Alexandria, Va. T—Mount Vernon Hills, Va.	Independent Publishing Co	10KW	1460	Do.
WJW	Mansfield, Ohio	John F. Weimer, owner Mansfield Broadcasting Association.	100W	1210	Do.
WJZ	New York, N. Y. T—Bound Brook, N. J.	National Broadcasting Co. (Inc.)	30KW–LP	760	Do.
WKAQ	San Juan, P. R	Radio Corporation of Porto Rico	500W	890	Do.
WKAR	E. Lansing, Mich	Michigan State College	1KW	1040	Daytime.
WKAV	Laconia, N. H	Laconia Radio Club	100W	1310	Unlimited.
WKBB	Joliet, Ill	Sanders Bros. Radio Station	100W	1310	Shares with WCLS.
WKBC	Birmingham, Ala	R. B. Broyles, trading as R. B. Broyles Furniture Co.	100W	1310	Unlimited.
WKBF	Indianapolis, Ind. T—Clermont, Ind.	Indianapolis Broadcasting (Inc.)	500W	1400	Shares with WBAA and WCMA.
WKBH	La Crosse, Wis	WKBH (Inc.)	1KW	1380	Shares with KSO.
WKBI	Chicago, Ill	Fred L. Schoenwolf	100W	1420	Shares with WHFC and WEHS.
WKBN	Youngstown, Ohio	Warren P. Williamson, jr	500W	570	Shares with WEAO.
WKBO	Jersey City, N. J	Camith Corporation	250W	1450	Shares with WBMS, WNJ, and WHOM.
WKBS	Galesburg, Ill	Permil N. Nelson	100W	1310	Unlimited.
WKBV	Connersville, Ind	Wm. O. Knox, trading as Knox Battery & Electric Co.	100W 150W–LS	1500	Do.
WKBW	Buffalo, N. Y. T—Amherst, N. Y.	WKBW (Inc.)	5KW	1480	Do.
WKBZ	Ludington, Mich	Karl L. Ashbacker	50W	1500	Do.
WKJC	Lancaster, Pa	Kirk Johnson & Co	100W	1200	Shares with WCOD.
WKRC	Cincinnati, Ohio	WKRC (Inc.)	1KW	550	Unlimited.
WKY	Oklahoma City, Okla	WKY Radiophone Co	1KW	900	Do.
WKZO	Berrien Springs, Mich	WKZO (Inc.)	1KW	590	Daytime.
WLAC	Nashville, Tenn	Life & Casualty Insurance Co. of Tennessee.	5KW	1470	Unlimited.
WLAP	Louisville, Ky	American Broadcasting Corporation of Kentucky.	100W 250W–LS	1200	Do.

[10] Experimentally.

[11] C. P. to increase power to 100 watts.

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BROADCASTING STATIONS, ALPHABETICALLY BY CALL SIGNALS—Continued

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operation
WLB–WGMS	Minneapolis. Minn. T—St. Paul, Minn.	University of Minnesota	1KW	1250	Shares with WCAL, KFMX, and WRHM.
WLBC	Muncie, Ind	Donald A. Burton	50W	1310	Shares with WJAK.
WLBF	Kansas City, Kans	The WLBF Broadcasting Co	100W	1420	Unlimited.
WLBG	Petersburg, Va. T—Ettrick, Va.	Robert Allen Gamble	100W / 250W–LS	1200	Do.
WLBL	Stevens Point, Wis	State of Wisconsin, Department of Agriculture and Markets.	2KW	900	Daytime.
WLBW	Oil City, Pa	Radio-Wire Program Corporation of America.	500W / 1KW–LS	1260	Unlimited.
WLBX	Long Island City, N. Y	John N. Brahy	100W	1500	Shares with WCLB, WWRL, and WMBQ.
WLBZ	Bangor, Me	Maine Broadcasting Co. (Inc.)	500W	620	Unlimited.
WLCI	Ithaca, N. Y	Lutheran Association of Ithaca, N. Y.	50W	1210	Do.
WLEX	Lexington, Mass	Bay State Broadcasting Corporation.	500W	1410	Shares with WMAF and WSSH.
WLEY	do	Carl S. Wheeler, trading as the Lexington Air Stations.	100W / 250W–LS	1370	One-half time.
WLIB–WGN	See WGN–WLIB.				
WLIT	Philadelphia, Pa	Lit Bros	500W	560	Shares with WFI.
WLOE	Boston, Mass. T—Chelsea, Mass.	Boston Broadcasting Co	100W / 250W–LS	1500	One-half time.
WLS	Chicago, Ill. T—Crete, Ill.	Agricultural Broadcasting Co	5KW [20]	870	Shares with WENR–WBCN.
WLSI–WDWF	See WDWF–WLSI.				
WLTH	Brooklyn, N. Y	Voice of Brooklyn (Inc.)	500W	1400	Shares with WCGU, WBBC, and WFOX.
WLVA	Lynchburg, Va	Lynchburg Broadcasting Corporation.	100W	1370	Shares with WBTM.
WLW	Cincinnati, Ohio. T—Mason, Ohio.	Crosley Radio Corporation	50KW–LP	700	Unlimited.

WLWL	New York, N. Y. T—Kearny, N. J.	Missionary Society of St. Paul the Apostle.	5KW	1100	Shares with WPG.
WMAC–WSYR	See WSYR–WMAC.				
WMAF	South Dartmouth, Mass.	Round Hills Radio Corporation	500W	1410	Shares with WLEX and WSSH
WMAK	Buffalo, N. Y. T—Grand Island, N. Y.[21]	Buffalo Broadcasting Corporation	1KW	1040	Limited.
WMAL	Washington, D. C.	M. A. Leese	250W 500W–LS	630	Unlimited.
WMAQ	Chicago, Ill. T—Addison, Ill.	WMAQ (Inc.)	5KW	670	Do.
WMAZ	Macon, Ga.	Macon Junior Chamber of Commerce.	250W 500W–LS	890	Shares with WGST.
WMBA	Newport, R. I.	Leroy Joseph Beebe	100W	1500	Unlimited.
WMBC	Detroit, Mich.	Michigan Broadcasting Co.	100W 250W–LS	1420	Do.
WMBD	Peoria Heights, Ill.	E. M. Kahler (owner Peoria Heights Radio Laboratory).	500W 1KW–LS	1440	Shares with WTAD.
WMBF–WIOD	See WIOD–WMBF.				
WMBG	Richmond, Va.	Havens & Martin (Inc.)	100W	1210	Unlimited, except Sundays, shares with WBBL.
WMBH	Joplin, Mo.	Edwin Dudley Aber	100W 250W–LS	1420	Unlimited.
WMBI	Chicago, Ill. T—Addison, Ill.	The Moody Bible Institute Radio Station.	5KW	1080	Limited. Shares with WCBD.
WMBO	Auburn, N. Y.	George I. Stevens, trading as Radio Service Laboratories.	100W	1310	Unlimited.
WMBQ	Brooklyn, N. Y.	Paul J. Gollhofer	100W	1500	Shares with WCLB, WWRL, and WLBX.
WMBR	Tampa, Fla.	F. J. Reynolds	100	1370	Unlimited.
WMC	Memphis, Tenn. T—Bartlett, Tenn.	Paul Dillard and Enoch Brown, jr., receivers.	500W 1KW–LS	780	Do.
WMCA	New York, N. Y. T—Hoboken, N. J.	Knickerbocker Broadcasting Co. (Inc.).	500W	570	Shares with WNYC.
WMMN	Fairmont, W. Va.	Holt-Rowe Novelty Co.	250W 500W–LS	890	Unlimited.
WMPC	Lapeer, Mich.	First Methodist Protestant Church of Lapeer.	100W	1500	Do.

[21] C. P. to increase power to 50KW–LP.

[11] C. P. to move transmitter to Amherst, N. Y.

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BROADCASTING STATIONS, ALPHABETICALLY BY CALL SIGNALS—Continued.

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operation
WMRJ	Jamaica, N. Y.	Peter J. Prinz	100W	1210	Shares with WGBB, WJBI, and WCOH.
WMSG	New York, N. Y.	Madison Square Garden Broadcast Corporation.	250W	1350	Shares with WAWZ, WCDA, and WBNX.
WMT	Waterloo, Iowa	Waterloo Broadcasting Co	500W	600	Unlimited.
WNAC-WBIS	Boston, Mass. T—Quincy, Mass.	Shepard Broadcasting Service (Inc.).	1KW	1230	Do.
WNAD	Norman, Okla.	University of Oklahoma	500W	1010	Shares with KGGF.
WNAX	Yankton, S. Dak.	House of Gurney (Inc.)	1KW	570	Unlimited.
WNBF	Binghamton, N. Y.	Howitt-Wood Radio Co. (Inc.)	100W	1500	Do.
WNBH	New Bedford, Mass. T—Fairhaven, Mass.	Irving Vermilya, trading as New Bedford Broadcasting Co.	100W	1310	Do.
WNBO	Silver Haven, Pa.	John Brownlee Spriggs	100W	1200	Shares with WHBC on Sundays.
WNBR	Memphis, Tenn.	Memphis Broadcasting Co.	500W	1430	Shares with WGBC.
WNBW	Carbondale, Pa.	G. F. Schiessler and M. F. Stephens, doing business as Home Cut Glass & China Co.	10W	1200	Unlimited.
WNBX	Springfield, Vt.	First Congregational Church Corporation.	10W	1200	Shares with WCAX.
WNBZ	Saranac Lake, N. Y.	Earl J. Smith and William Mace, doing business as Smith & Mace.	50W	1290	Daytime.
WNJ	Newark, N. J.	Radio Investment Co. (Inc.)	250W	1450	Shares with WBMS, WHOM, and WKBO.
WNOX	Knoxville, Tenn.	Sterchi Bros.	1KW / 2KW-LS	560	Unlimited.
WNYC	New York, N. Y.	City of New York, Department of Plant and Structures.	500W	570	Shares with WMCA.
WOAI	San Antonio, Tex. T—Selma, Tex.	Southern Equipment Co.	50KW-LP	1190	Unlimited.
WOAN-WREC	See WRECWOAN.				

WOAX	Trenton, N. J	WOAX (Inc.)	500W	1280	Shares with WCAM and WCAP.
WOBT	Union City, Tenn	A. F. Tittsworth, trading as Tittsworth Radio & Music Shop.	100W 250W-LS	1310	Unlimited.
WOBU	Charleston, W. Va	WOBU (Inc.)	250W	580	Shares with WSAZ.
WOC	Davenport, Iowa	Central Broadcasting Co	5KW	1000	Synchronizes with WHO experimentally.
WOCL	Jamestown, N. Y	A. E. Newton	25W	1210	Unlimited.
WODA	Paterson, N. J	Richard E. O'Dea	1KW	1250	Shares with WGCP and WAAM.
WODX	Mobile, Ala. T—Springhill, Ala.	Mobile Broadcasting Corporation	500W	1410	Shares with WSFA.
WOI	Ames, Iowa	Iowa State College of Agriculture and Mechanic Arts.	5KW	640	Daytime.
WOKO	Poughkeepsie, N. Y. T—Mount Beacon, N. Y.[22]	WOKO (Inc.)	500W	1440	Shares with WHEC-WABO.
WOL	Washington, D. C	American Broadcasting Co	100W	1310	Unlimited.
WOMT	Manitowoc, Wis	Francis M. Kadow	100W	1210	Do.
WOOD	Grand Rapids, Mich. T—Furnwood, Mich.	Walter B. Stiles (Inc.)	500W	1270	Shares with WASH.
WOPI	Bristol, Tenn	Radiophone Broadcasting Station WOPI (Inc.).	100W	1500	Unlimited.
WOQ	Kansas City, Mo	Unity School of Christianity	1KW	1300	Shares with KFH.
WOR	Newark, N. J. T—Kearny, N. J.	Bamberger Broadcasting Service (Inc.).	5KW	710	Unlimited.
WORC-WEPS	Worcester, Mass. T—Auburn, Mass.	Alfred Frank Kleindienst	100W	1200	Do.
WOS	Jefferson City, Mo	Missouri State Marketing Bureau	500W	630	Shares with WGBF and KFRU.
WOV	New York, N. Y. T—Secaucus, N. J.	International Broadcasting Corporation.	1KW	1130	Daytime until 6 p. m.
WOW	Omaha, Nebr	Woodmen of the World Life Insurance Association.	1KW	590	Shares with WCAJ.
WOWO	Fort Wayne, Ind	Main Auto Supply Co	10KW	1160	Shares with WWVA.
WPAD	Paducah, Ky	Pierce E. Lackey and S. Houston McNutt, doing business as Paducah Broadcasting Co.	100W	1420	Unlimited.
WPAP-WQAO	See WQAO-WPAP.				
WPAW	Pawtucket, R. I	Shartenberg & Robinson Co	100W	1210	Shares with WDWF-WLSI.

[22] C. P. to move transmitter and studio to Albany, N. Y.

BROADCASTING STATIONS, ALPHABETICALLY BY CALL SIGNALS—Continued

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operation
WPCC	Chicago, Ill	North Shore Church	500W	560	Shares with WIBO and WISJ.[23]
WPCH	New York, N. Y. T—Hoboken, N. J.	Eastern Broadcasters (Inc.)	500W	810	Daytime.
WPEN	Philadelphia, Pa	Wm. Penn Broadcasting Co	100W 250W-LS	1500	Unlimited.
WPG	Atlantic City, N. J	WPG Broadcasting Corporation	5KW	1100	Shares with WLWL.
WPOE	Patchogue, N. Y	Nassau Broadcasting Corporation	100W	1370	Unlimited.
WPOR-WTAR	See WTAR-WPOR.				
WPSC	State College, Pa	Pennsylvania State College	500W	1230	Daytime.
WPTF	Raleigh, N. C	Durham Life Insurance Co	1KW	680	Limited.
WQAM	Miami, Fla	Miami Broadcasting Co	1KW	560	Unlimited.
WQAN	Scranton, Pa	E. J. Lynett, proprietor The Scranton Times.	250W	880	Shares with WGBI.
WQAO-WPAP	New York, N. Y. T—Cliffside, N. J.	Calvary Baptist Church	250W	1010	Shares with WHN and WRNY.
WQBC	Vicksburg, Miss	Delta Broadcasting Co. (Inc.)	300W	1360	Daytime. C. P. only.
WQDM	St. Albans, Vt	A. J. St. Antoine	5W[24]	1370	Daytime.
WQDX	Thomasville, Ga	Stevens Luke	50W	1210	Unlimited.
WRAF	LaPorte, Ind	Charles Middleton	100W	1200	Shares with WWAE.
WRAK	Williamsport, Pa	Clarence R. Cummins	50W[25]	1370	Unlimited.
WRAW	Reading, Pa	Reading Broadcasting Co	50W[26]	1310	Shares with WGAL.
WRAX	Philadelphia, Pa	WRAX Broadcasting Co	250W	1020	Daytime.
WRBI	Tifton, Ga	Chas. A. and Milton U. Kent, doing business as Kent's Furniture & Music Store.	20W[27]	1310	One-half time.
WRBJ	Hattiesburg, Miss	Woodruff Furniture Co. (Inc.)	10W	1370	Unlimited.
WRBL	Columbus, Ga	David Parmer	50W	1200	Do.
WRBQ	Greenville, Miss	J. Pat Scully	100W 250W-LS	1210	Do.
WRBT	Wilmington, N. C	Wilmington Radio Association (Inc.).	100W	1370	Do.
WRBX	Roanoke, Va	Richmond Development Corporation.	250W	1410	One-half time.

WRC	Washington, D. C.	National Broadcasting Co. (Inc.)	500W	950	Unlimited.
WRDO	Augusta, Me.	Albert S. Woodman	100W	1370	Unlimited. C. P. only.
WRDW	Augusta, Ga.	Musicove (Inc.)	100W	1500	Unlimited.
WREC–WOAN	Memphis, Tenn. T—Whitehaven, Tenn.	WREC (Inc.)	500W / IKW–LS	600	Do.
WREN	Lawrence, Kans.	Jenny Wren Co.	1KW	1220	Shares with KFKU.
WRHM	Minneapolis, Minn. T—Fridley, Minn.	Minnesota Broadcasting Corporation.	1KW	1250	Shares with WLB, WCAL, and KFMX.
WRJN	Racine, Wis.	Racine Broadcasting Corporation	100W	1370	Unlimited.
WRNY	New York, N. Y. T—Coytesville, N. J.	Aviation Radio Station (Inc.)	250W	1010	Shares with WQAO–WPAP and WHN.
WROL	Knoxville, Tenn.	Stuart Broadcasting Corporation	100W	1310	Unlimited.
WRR	Dallas, Tex.	City of Dallas, Tex.	500W	1280	Do.
WRUF	Ganesville, Fla.	University of Florida	5KW	830	Limited.
WRVA	Richmond, Va. T—Mechanicsville, Va.	Larus & Bro. Co. (Inc.)	5KW	1110	Unlimited.
WSAI	Cincinnati, Ohio. T—Mason, Ohio.	Crosley Radio Corporation (lessee)	500W	1330	Do.
WSAJ	Grove City, Pa.	Grove City College	100W	1310	Do.
WSAN	Allentown, Pa.	Allentown Call Publishing Co. (Inc.).	250W	1440	Shares with WCBA.
WSAR	Fall River, Mass.	Doughty & Welch Electric Co. (Inc.).	250W	1450	Unlimited.
WSAZ	Huntington, W. Va.	WSAZ (Inc.)	250W	580	Shares with WOBU.
WSB	Atlanta, Ga.	Atlanta Journal Co.	5KW	740	Unlimited.
WSBC	Chicago, Ill.	World Battery Co. (Inc.)	100W	1210	Shares with WEDC and WCRW.
WSBT	South Bend, Ind.	South Bend Tribune	500W	1230	Shares with WFBM.
WSDA-WSGH	*See* WSGH-WSDA.				
WSEN	Columbus, Ohio.	Columbus Broadcasting Corporation.	100W	1210	Unlimited.
WSFA	Montgomery, Ala.	Montgomery Broadcasting Co. (Inc.).	500W	1410	Shares with WODX.
WSIX	Springfield, Tenn.	Jack M. and Louis R. Draughon, doing business as 638 Tire & Vulcanizing Co.	100W	1210	Unlimited.
WSJS	Winston-Salem, N. C.	Winston-Salem Journal Co.	100W	1310	Do.

[33] WISJ temporarily operating on 780 kilocycles.
[34] C. P. to increase power to 100 watts.
[35] C. P. to increase power to 100 watts.
[36] C. P. to increase power to 100 watts.
[37] C. P. to increase power 100 watts.

BROADCASTING STATIONS, ALPHABETICALLY BY CALL SIGNALS—Continued

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operation
WSM	Nashville, Tenn	National Life & Accident Insurance Co.	5KW	650	Unlimited.
WSMB	New Orleans, La	Saenger Theatres (Inc.) & Maison Blanche Co.	500W	1320	Do.
WSMK	Dayton, Ohio	Stanley M. Krohn, jr	200W	1380	Shares with KQV at night.
WSOC	Gastonia, N. C	WSOC (Inc.)	100W	1210	Unlimited.
WSPA	Spartanburg, S. C	Virgil V. Evans, trading as The Voice of South Carolina.	100W 250W-LS	1420	Do.
WSPD	Toledo, Ohio	Toledo Broadcasting Co	500W 1KW-LS	1340	Do.
WSSH	Boston, Mass	Tremont Temple Baptist Church	500W	1410	Shares with WLEX and WMAF.
WSUI	Iowa City, Iowa	State University of Iowa	500W	880	Three-sevenths time.
WSUN–WFLA	See WFLA–WSUN.				
WSVS	Buffalo, N. Y	Seneca Vocational High School (Elmer S. Pierce, principal).	50W	1370	Unlimited.
WSYB	Rutland, Vt	H. E. Seward, jr. and Philip Weiss, doing business as Seward & Weiss Music Co.	100W	1500	Do.
WSYR–WMAC	Syracuse, N. Y	Clive B. Meredith	250W	570	Do.
WTAD	Quincy, Ill	Illinois Stock Medicine Broadcasting Corporation.	500W	1440	Shares with WMBD.
WTAG	Worcester, Mass	Worcester Telegram Publishing Co. (Inc.)	250W	580	Unlimited.
WTAM	Cleveland, Ohio. T—Brecksville Village, Ohio	National Broadcasting Co., (Inc.)	50KW-LP	1070	Do.
WTAQ	Eau Claire, Wis. T—Township of Washington, Wis.	Gillette Rubber Co	1KW	1330	Shares with KSCJ.
WTAR–WPOR	Norfolk, Va	WTAR Radio Corporation	500W	780	Unlimited.
WTAW	College Station, Tex	Agricultural & Mechanical College of Texas.	500W	1120	Shares with KTRH.
WTAX	Springfield, Ill	WTAX, Incorporated	100W	1210	Shares with WCBS.

WTBO	Cumberland, Md	Associated Broadcasting Corporation.	100W 250W-LS	1420	Unlimited.
WTEL	Philadelphia, Pa	Foulkrod Radio Engineering Co	50W[28]	1310	Shares with WHAT.
WTFI	Toccoa, Ga	Toccoa Falls Institute	500W	1450	Unlimited.
WTIC	Hartford, Conn. T—Avon Conn.	Travelers Broadcasting Service	50KW-LP	1060	Shares with WBAL.
WTMJ	Milwaukee, Wis. T=Brookfield, Wis.	The Journal Co. (Milwaukee Journal).	1KW 2½KW-LS	620	Unlimited.
WTOC	Savannah, Ga	Savannah Broadcasting Co., (Inc.)	500W	1260	Do.
WWAE	Hammond, Ind	Hammond-Calumet Broadcasting Corporation.	100W	1200	Shares with WRAF.
WWJ	Detroit, Mich	The Evening News Association (Inc.)	1KW	920	Unlimited.
WWL	New Orleans, La	Loyola University	5KW	850	Shares with KWKH.
WWNC	Asheville, N. C	Citizen Broadcasting Co. (Inc.)	1KW	570	Unlimited.
WWRL	Woodside, N. Y	Long Island Broadcasting Corporation.	100W	1500	Shares with WMBQ, WLX, and WCLB.
WWSW	Pittsburgh, Pa	William S. Walker	100W	1500	Unlimited. C. P. only.
WWVA	Wheeling, W. Va	West Virginia Broadcasting Corporation.	5KW	1160	Shares with WOWO.
WXYZ	Detroit, Mich	Kunsky-Trendle Broadcasting Corporation.	1KW	1240	Unlimited.
KBPS	Portland, Oreg	Benson Polytechnic School	100W	1420	Shares with KXL.
KBTM	Paragould, Ark	W. J. Beard, (Beard's Temple of Music).	100W	1200	Daytime.
KCRC	Enid, Okla	Champlin Refining Co	100W 250W-LS	1370	Shares with KGFG.
KCRJ	Jerome, Ariz	Charles C. Robinson	100W	1310	Unlimited.
KDB	Santa Barbara, Calif	Dwight Faulding	100W	1500	Do.
KDFN	Casper, Wyo	Donald Lewis Hathaway	100W	1210	Do.
KDKA	Pittsburgh, Pa. T—Saxonburg, Pa.	Westinghouse Electric & Manufacturing Co.	50KW-LP	980	Do.
KDLR	Devils Lake, N. Dak	KDLR (Inc.)	100W	1210	Do.
KDYL	Salt Lake City, Utah	Intermountain Broadcasting Corporation.	1KW	1290	Do.
KECA	Los Angeles, Calif	Pacific Development Radio Co	1KW	1430	Do.

[28] C. P. to increase power to 100 watts.

BROADCASTING STATIONS, ALPHABETICALLY BY CALL SIGNALS—Continued

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operation
KELW	Burbank, Calif	Union Bank & Trust Co. of Los Angeles, guardian of the estate of Earl L. White.	500W	780	Shares with KTM.
KEX	Portland, Oreg	Western Broadcasting Co	5KW	1180	Shares with KOB.
KFAB	Lincoln, Nebr	KFAB Broadcasting Co	5KW	770	Shares with WBBM–WJBT.
KFBB	Great Falls, Mont	Buttrey Broadcast (Inc.)	1KW / 2½KW–LS	1280	Unlimited.
KFBK	Sacramento, Calif	James McClatchy Co	100W	1310	Do.
KFBL	Everett, Wash	Otto Leese & Robert Leese doing business as Leese Bros.	50W	1370	Shares with KVL.
KFDM	Beaumont, Tex	Magnolia Petroleum Co	500W / 1KW–LS	560	Unlimited.
KFDY	Brookings, S. Dak	South Dakota State College	500W / 1KW–LS	550	Shares with KFYR.
KFEL	Denver, Colo.[29]	Eugene P. O'Fallon (Inc.)	500W	920	Shares with KFXF.
KFEQ	St. Joseph, Mo	Scroggin & Co. Bank	2½KW	680	Daytime.
KFGQ	Boone, Iowa	Boone Biblical College	100W	1310	Shares with KWCR and KFJY.
KFH	Wichita, Kans	Radio station KFH Co	1KW	1300	Shares with WOQ.
KFI	Los Angeles, Calif.[30]	Earle C. Anthony (Inc.)	5KW	640	Unlimited.
KFIO	Spokane, Wash	Spokane Broadcasting Corporation	100W	1120	Daytime.
KFIU	Juneau, Alaska	Alaska Electric Light & Power Co.	10W	1310	Unlimited.
KFIZ	Fond du Lac, Wis	The Reporter Printing Co	100W	1420	Do.
KFJB	Marshalltown, Iowa	Marshall Electric Co. (Inc.)	100W / 250W–LS	1200	One-half time.
KFJF	Oklahoma City, Okla	National Radio Manufacturing Co.	5KW	1480	Unlimited.
KFJI	Astoria, Oreg	KFJI Broadcasters (Inc.)	100W	1370	Do.
KFJM	Grand Forks, N. Dak	University of North Dakota	100W	1370	Do.
KFJR	Portland, Oreg	Ashley C. Dixon trading as Ashley C. Dixon & Son.	500W	1300	Shares with KTBR.
KFJY	Fort Dodge, Iowa	C. S. Tunwall	100W	1310	Shares with KFGQ and KWCR.

KFJZ	Fort Worth, Tex	Margaret Meacham Hightower, Minnie Meacham Smith, and Mary Meacham, executrices of the estate of H. C. Meacham, deceased.	100W	1370	Unlimited.
KFKA	Greeley, Colo	The Mid-Western Radio Corporation.	500W 1KW-LS	880	Shares with KPOF.
KFKB	Milford, Kans	The KFKB Broadcasting Association (Inc.).	5KW	1050	Limited.
KFKU	Lawrence, Kans	University of Kansas	500W	1220	Shares with WREN.
KFKX–KYW	See KYW–KFKX.				
KFLV	Rockford, Ill	Rockford Broadcasters (Inc.)	500W	1410	Shares with WHBL.
KFLX	Galveston, Tex	George Roy Clough	100W	1370	Unlimited.
KFMX	Northfield, Minn	Carleton College	1KW	1250	Shares with WCAL, WRHM and WLB.
KFNF	Shenandoah, Iowa	Henry Field Co	500W 1KW–LS	890	Shares with WILL and KUSD.
KFOR	Lincoln, Nebr	Howard A. Shuman	100W 250W–LS	1210	Unlimited.
KFOX	Long Beach, Calif	Nichols & Warinner (Inc.)	1KW	1250	Do.
KFPL	Dublin, Tex	C. C. Baxter	100W	1310	Do.
KFPM	Greenville, Tex	Dave Ablowich, trading as the New Furniture Co.	15W	1310	Do.
KFPW	Fort Smith, Ark	Southwestern Hotel Co	50W	1340	Daytime.
KFPY	Spokane, Wash	Symons Broadcasting Co	1KW	1340	Unlimited.
KFQD	Anchorage, Alaska	Anchorage Radio Club	100W	1230	Do.
KFQU	Holy City, Calif	W. E. Riker	100W	1420	Shares with KGGC.
KFQW	Seattle, Wash	KFQW (Inc.)	100W	1420	Unlimited.
KFRC	San Francisco, Calif	Don Lee (Inc.)	1KW	610	Do.
KFRU	Columbia, Mo	Stephens College	500W	630	Shares with WOS and WGBF.
KFSD	San Diego, Calif	Airfan Radio Corp. (Ltd.)	500W 1KW–LS	600	Unlimited.
KFSG	Los Angeles, Calif	Echo Park Evangelistic Association.	500W	1120	Shares with KMCS.
KFUL	Galveston, Tex	Will H. Ford	500W	1290	Shares with KTSA.
KFUM	Colorado Springs, Colo	W. D. Corley	1KW	1270	Unlimited.

[39] C. P. to move transmitter to Edgewater, Colo.
[40] C. P. to move transmitter to Buena Park, Calif., and increase power to 50KW-LP.

BROADCASTING STATIONS, ALPHABETICALLY BY CALL SIGNALS—Continued

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operation
KFUO	Clayton, Mo	Evangelical Lutheran Synod of Missouri, Ohio, and other States, Rev. R. Kretzschmar, chairman, Board of Control of Concordia Seminary.	500W 1KW–LS	550	Shares with KSD.
KFUP	Denver, Colo	Fitzsimons General Hospital, United States Army.	100W	1310	Shares with KFXJ.
KFVD	Culver City, Calif	Los Angeles Broadcasting Co	250W	1000	Limited.
KFVS	Cape Girardeau, Mo	Oscar C. Hirsch, trading as Hirsch Battery & Radio Co.	100W	1210	Shares with WEBQ.
KFWB	Hollywood, Calif	Warner Brothers Broadcasting Corporation.	1KW	950	Unlimited.
KFWF	St. Louis, Mo	St. Louis Truth Center (Inc.)	100W	1200	Shares with WIL.
KFWI	San Francisco, Calif	Radio Entertainments (Inc.)	500W	930	Shares with KROW.
KFXD	Nampa, Idaho	Frank E. Hurt, trading as Service Radio Co.	50W	1420	Unlimited.
KFXF	Denver, Colo	Colorado Radio Corporation	500W	920	Shares with KFEL.
KFXJ	Edgewater, Colo.[31]	R. G. Howell and Chas. Howell, doing business as Western Slope Broadcasting Co.	50W	1310	Shares with KFUP.
KFXM	San Bernardino, Calif	J. C. and E. W. Lee (Lee Bros. Broadcasting Co.).	100W	1210	Shares with KPPC.
KFXR	Oklahoma City, Okla	Exchange Avenue Baptist Church	100W 250W–LS	1310	Unlimited.
KFXY	Flagstaff, Ariz	Mary M. Costigan	100W	1420	Do.
KFYO	Abilene, Tex	T. E. Kirksey, trading as Kirksey Bros.	100W 250W–LS	1420	Do.
KFYR	Bismarck, N. Dak	Meyer Broadcasting Co	1KW 2½KW–LS[32]	550	Shares with KFDY.
KGA	Spokane, Wash	Northwest Broadcasting System (Inc.).	5KW	1470	Unlimited.
KGAR	Tucson, Ariz	Tucson Motor Service Co	100W 250W–LS	1370	Do.

KGB	San Diego, Calif	Pickwick Broadcasting Corporation.	250W [33]	1330	Do.
KGBU	Ketchikan, Alaska	Alaska Radio & Service Co. (Inc.)	500W	900	Do.
KGBX	St. Joseph, Mo	KGBX (Inc.)	100W	1310	Do.
KGBZ	York, Nebr	Dr. George R. Miller	500W 1KW–LS	930	Shares with KMA.
KGCA	Decorah, Iowa	Chas. W. Greenley	50W	1270	Daytime. Shares with KWLC.
KGCR	Watertown, S. Dak	Cutler's Radio Broadcasting Service (Inc.).	100W	1210	Unlimited.
KGCU	Mandan, N. Dak	Mandan Radio Association	100W	1200	Do.
KGCX	Wolf Point, Mont	First State Bank of Vida	100W 250W–LS	1310	One-half time.
KGDA	Mitchell, S. Dak	Mitchell Broadcasting Corporation.	100W	1370	Unlimited.
KGDE	Fergus Falls, Minn	Chas. L. Jaren	100W 250W–LS	1200	Do.
KGDM	Stockton, Calif	E. F. Peffer	250W	1100	Daytime.
KGDY	Huron, S. Dak	Voice of South Dakota	100W	1200	Unlimited.
KGEF	Los Angeles, Calif	Trinity Methodist Church South	1KW	1300	Shares with KTBI.
KGEK	Yuma, Colo	Elmer G. Beehler, trading as Beehler Electrical Equipment Co.	50W	1200	Shares with KGEW.
KGER	Long Beach, Calif	C. Merwin Dobyns	1KW	1360	Shares with KPSN.
KGEW	Fort Morgan, Colo	City of Fort Morgan	100W	1200	Shares with KGEK.
KGEZ	Kalispell, Mont	Donald C. Treloar and Stanley R. Church, trading as Treloar-Church Broadcasting Co.	100W	1310	Unlimited.
KGFF	Alva, Okla. [34]	D. R. Wallace (owner KGFF Broadcasting Co.).	100W	1420	Do.
KGFG	Oklahoma City, Okla	Oklahoma Broadcasting Co. (Inc.)	100W	1370	Shares with KCRC.
KGFI	Corpus Christi, Tex	Eagle Broadcasting Co. (Inc.)	100W 250W–LS	1500	Unlimited.
KGFJ	Los Angeles, Calif	Ben S. McGlashan	100W	1200	Do.
KGFK	Moorhead, Minn	Red River Broadcasting Co. (Inc.)	50W	1500	Do.
KGFL	Raton, N. Mex	W. E. Whitmore	50W	1370	Do.
KGFW	Ravenna, Nebr	Central Nebraska Broadcasting Corporation.	100W	1310	Do.

[31] C. P. to move transmitter and studio to Grand Junction and increase power to 100 watts.
[32] Experimentally.
[33] C. P. to increase power to 500 watts.
[34] C. P. to move transmitter and studio to Shawnee, Okla.

BROADCASTING STATIONS, ALPHABETICALLY BY CALL SIGNALS—Continued

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operation
KGFX	Pierre, S. Dak	Dana McNeil	200W	580	Daytime.
KGGC	San Francisco, Calif	The Golden Gate Broadcasting Co.	100W	1420	Shares with KFQU.
KGGF	South Coffeyville, Okla	Hugh J. Powell and Stanley Platz, doing business as Powell and Platz.	500W	1010	Shares with WNAD.
KGGM	Albuquerque, N. Mex	New Mexico Broadcasting Co	250W / 500W-LS	1230	Unlimited.
KGHF	Pueblo, Colo	Curtis P. Ritchie and Joe E. Finch	250W / 500W-LS	1320	Do.
KGHI	Little Rock, Ark	Berean Bible Class, First Baptist Church.	100W	1200	Do.
KGHL	Billings, Mont	Northwestern Auto Supply Co. (Inc.).	1KW	950	Do.
KGIR	Butte, Mont	KGIR (Inc.)	500W	1360	One-half time.
KGIW	Trinidad, Colo	Leonard E. Wilson	100W	1420	Unlimited.
KGIX	Las Vegas, Nev	J. M. Heaton	100W	1420	Do.
KGIZ	Grant City, Mo	Grant City Park Corporation	50W [25]	1500	Do.
KGJF	Little Rock, Ark	First Church of the Nazarene	250W	890	Do.
KGKB	Brownwood, Tex	E. M., C. T., and E. E. Wilson, doing business as Eagle Publishing Co.	100W	1500	Do.
KGKL	San Angelo, Tex	KGKL (Inc.)	100W	1370	Do.
KGKO	Wichita Falls, Tex	Wichita Falls Broadcasting Co	250W / 500W-LS	570	Do.
KGKX	Sandpoint, Idaho	C. E. Twiss and F. H. McCann	100W	1420	Do.
KGKY	Scottsbluff, Nebr	Hilliard Co. (Inc.)	100W	1500	Do.
KGMB	Honolulu, Hawaii	Honolulu Broadcasting Co. (Ltd.)	500W	1320	Do.
KGMP	Elk City, Okla	Homer F. Bryant, trading as Bryant Radio & Electric Co.	100W	1210	Do.
KGNF	North Platte, Nebr	Herbert Logan Spencer	500W	1430	Daytime.
KGNO	Dodge City, Kans	Dodge City Broadcasting Co. (Inc.)	100W	1210	Unlimited.
KGO	San Francisco, Calif. T—Oakland, Calif.	National Broadcasting Co. (Inc.)	7½KW	790	Do.

KGRS	Amarillo, Tex	E. B. Gish (Gish Radio Service)	1KW	1410	Shares with WDAG.
KGU	Honolulu, Hawaii	Marion A. Mulrony and Advertiser Publishing Co. (Ltd.).	1KW	940	Unlimited.
KGVO	Missoula, Mont	Mosby's (Inc.)	100W	1420	10 a. m. to 6 p. m. C. P. only.
KGW	Portland, Oreg	Oregonian Publishing Co	1KW	620	Unlimited.
KGY	Lacey, Wash	St. Martins College	10W	1200	Do.
KHJ	Los Angeles, Calif	Don Lee (Inc.)	1KW	900	Do.
KHQ	Spokane, Wash	Louis Wasmer (Inc.)	1KW 2KW–LS	590	Do.
KICK	Red Oak, Iowa	Red Oak Radio Corporation	100W	1420	Do.
KID	Idaho Falls, Idaho	KID Broadcasting Co	250W 500W–LS	1320	Shares with KTFI at night.
KIDO	Boise, Idaho	Frank L. Hill and C. G. Phillips, doing business as Boise Broadcast Station.	1KW	1250	Unlimited.
KIT	Yakima, Wash	Carl E. Haymond	50W	1310	Do.
KJBS	San Francisco, Calif	Julius Brunton and Sons Co	100W	1070	12.01 a. m. to local sunset.
KJR	Seattle, Wash	Northwest Broadcasting System (Inc.).	5KW	970	Unlimited.
KLCN	Blytheville, Ark	Charles Leo Lintzenich	50W	1290	Daytime.
KLO	Ogden, Utah	Perry Building Co	500W	1400	Unlimited.
KLPM	Minot, N. Dak	John B. Cooley	100W	1420	Do.
KLRA	Little Rock, Ark	Arkansas Broadcasting Co	1KW	1390	Shares with KUOA.
KLS	Oakland, Calif	E. N. and S. W. Warner, doing business as Warner Bros.	250W	1440	Daytime.
KLX	do	The Tribune Publishing Co	500W	880	Unlimited.
KLZ	Denver, Colo	Reynolds Radio Co. (Inc.)	1KW	560	Do.
KMA	Shenandoah, Iowa	May Seed and Nursery Co	500W 1KW–LS	930	Shares with KGBZ.
KMAC	San Antonio, Tex	W. W. McAllister	100W	1370	Shares with KONO.
KMBC	Kansas City, Mo. T—Independence, Mo.	Midland Broadcasting Co	1KW	950	Unlimited.
KMCS	Inglewood, Calif	Dalton's (Inc.)	500W	1120	Shares with KFSG.
KMED	Medford, Oreg	Mrs. W. J. Virgin	50W	1310	Unlimited.
KMJ	Fresno, Calif	James McClatchy Co	100W	1210	Do.
KMLB	Monroe, La	J. C. Liner	50W	1200	Daytime.
KMMJ	Clay Center, Nebr	The M. M. Johnson Co	1KW	740	Limited.
KMO	Tacoma, Wash	KMO (Inc.)	500W	860	Do.

[3] C. P. to increase power to 100 watts.

BROADCASTING STATIONS, ALPHABETICALLY BY CALL SIGNALS—Continued

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operation
KMOX	St. Louis, Mo	Voice of St. Louis (Inc.)	50KW–LP	1090	Unlimited.
KMPC	Beverly Hills, Calif	R. S. Macmillan	500W	710	Limited.
KMTR	Los Angeles, Calif	KMTR Radio Corporation	500W	570	Unlimited.
KNX	Hollywood, Calif. T—Los Angeles.	Western Broadcast Co	5KW [56]	1050	Do.
KOA	Denver, Colo	National Broadcasting Co. (Inc.)	12½KW	830	Do.
KOAC	Corvallis, Oreg	Oregon State Agricultural College	1KW	550	Do.
KOB	State College, N. Mex	New Mexico College of Agriculture & Mechanic Arts.	20KW	1180	Shares with KEX.
KOCW	Chickasha, Okla	Oklahoma College for Women	250W 500W–LS	1400	Unlimited.
KOH	Reno, Nev	Jay Peters (Inc.)	500W	1380	Do.
KOIL	Council Bluffs, Iowa	Mona Motor Oil Co	1KW	1260	Do.
KOIN	Portland, Oreg. T—Sylvan, Oreg.	KOIN (Inc.)	1KW	940	Do.
KOL	Seattle, Wash	Seattle Broadcasting Co. (Inc.)	1KW	1270	Shares with KTW.
KOMO	do	Fisher's Blend Station (Inc.)	1KW	920	Unlimited.
KONO	San Antonio, Tex	Mission Broadcasting Co	100W	1370	Shares with KMAC.
KOOS	Marshfield, Oreg	H. H. Hanseth (Inc.)	100W	1370	Unlimited.
KORE	Eugene, Oreg	Frank L. Hill & C. G. Phillips, doing business as Eugene Broadcast Station.	100W	1420	Do.
KOY	Phoenix, Ariz	Nielsen Radio & Sporting Goods Co.	500W	1390	Do.
KPCB	Seattle, Wash	Queen City Broadcasting Co	100W	650	Limited.
KPJM	Prescott, Ariz	A. P. Miller and Geo. R. Klahn, doing business as Miller & Klahn.	100W	1500	Unlimited.
KPO	San Francisco, Calif	Hale Brothers Stores (Inc.) and the Chronicle Publishing Co.	5KW	680	Do.
KPOF	Denver, Colo	Pillar of Fire	500W	880	Shares with KFKA.
KPPC	Pasadena, Calif	Pasadena Presbyterian Church	50W	1210	Shares with KFXM.
KPQ	Wenatchee, Wash	Wescoast Broadcasting Co	50W	1500	Unlimited.

KPRC	Houston, Tex. T—Sugarland, Tex.	Houston Printing Co	1KW 2½KW–LS	920	Do.
KPSN	Pasadena, Calif	Pasadena Star-News Publishing Co	1KW	1360	Shares with KGER.
KQV	Pittsburgh, Pa	Doubleday-Hill Electric Co	500W	1380	Shares with WSMK at night.
KQW	San Jose, Calif	Pacific Agricultural Foundation (Ltd.)	500W	1010	Unlimited.
KRE	Berkeley, Calif	First Congregational Church of Berkeley.	100W	1370	Shares with KZM.
KREG	Santa Ana, Calif	Pacific-Western Broadcasting Federation (Ltd.).	100W	1500	Unlimited.
KRGV	Harlingen, Tex	KRGV (Inc.)	500W	1260	Shares with KWWG.
KRLD	Dallas, Tex	KRLD Radio Corporation	10KW	1040	Shares with KTHS.
KRMD	Shreveport, La	Robert M. Dean	50W	1310	Shares with KTSL.
KROW	Oakland, Calif. T—Richmond, Calif.	Educational Broadcasting Corporation.	500W 1KW–LS	930	Shares with KFWI.
KRSC	Seattle, Wash	Radio Sales Corporation	50W	1120	Daytime.
KSAC	Manhattan, Kans	Kansas State Agricultural College	500W 1KW–LS	580	Shares with WIBW.
KSCJ	Sioux City, Iowa	Perkins Bros. Co	1KW 2½KW–LS	1330	Shares with WTAQ.
KSD	St. Louis, Mo	Pulitzer Publishing Co	500W	550	Shares with KFUO.
KSEI	Pocatello, Idaho	KSEI Broadcasting Association (Inc.).	250W	900	Unlimited.
KSL	Salt Lake City, Utah	Radio Service Corporation of Utah	5KW	1130	Do.
KSMR	Santa Maria, Calif	Santa Maria Radio	100W	1200	Do.
KSO	Clarinda, Iowa	Berry Seed Co	500W	1380	Shares with WKBH.
KSOO	Sious Falls, S. Dak	Sioux Falls Broadcast Association (Inc.).	2KW	1110	Limited.
KSTP	St. Paul, Minn. T—Westcott, Minn.	National Battery Broadcasting Co	10KW	1460	Unlimited.
KTAB	San Francisco, Calif. T—Oakland, Calif.	The Associated Broadcasters (Inc.)	1KW	560	Do.
KTAP	San Antonio, Tex	Alamo Broadcasting Co. (Inc.)	100W	1420	Do.
KTAR	Phoenix, Ariz	KTAR Broadcasting Co	500W 1KW–LS	620	Do.
KTAT	Fort Worth, Tex. T—Birdville, Tex.	S. A. T. Broadcast Co	1KW	1240	Shares with WACO.
KTBI	Los Angeles, Calif	Bible Institute of Los Angeles	1KW	1300	Shares with KGEF.

[16] C. P. to increase power to 50KW–LP.

BROADCASTING STATIONS, ALPHABETICALLY BY CALL SIGNALS—Continued

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operation
KTBR	Portland, Oreg	M. E. Brown	500W	1300	Shares with KFJR.
KTBS	Shreveport, La	Tri State Broadcasting System (Inc.)	1KW	1450	Unlimited.
KTFI	Twin Falls, Idaho	Radio Broadcasting Corporation	250W [47]	1320	Shares with KID at night.
KTHS	Hot Springs National Park, Ark.	Hot Springs Chamber of Commerce	10KW	1040	Shares with KRLD.
KTLC	Houston, Tex	Houston Broadcasting Co	100W	1310	Unlimited.
KTM	Los Angeles, Calif. T—Santa Monica, Calif.	Pickwick Broadcasting Corporation	500W 1KW–LS	780	Shares with KELW.
KTNT	Muscatine, Iowa	Norman Baker	5KW	1170	Limited.
KTRH	Houston, Tex	Rice Hotel	500W	1120	Shares with WTAW.
KTSA	San Antonio, Tex	Lone Star Broadcast Co. (Inc.)	1KW 2KW–LS	1290	Shares with KFUL.
KTSL	Shreveport, La	G. A. Houseman	100W	1310	Shares with KRMD.
KTSM	El Paso, Tex	W. S. Bledsoe and W. T. Blackwell	100W	1310	Shares with WDAH.
KTW	Seattle, Wash	The First Presbyterian Church of Seattle, Wash.	1KW	1270	Shares with KOL.
KUJ	Walla Walla, Wash	Paul R. Heitmeyer	100W	1370	One-half time. C. P. only.
KUOA	Fayetteville, Ark	University of Arkansas	1KW	1390	Shares with KLRA.
KUSD	Vermillion, S. Dak	University of South Dakota	500W 750W–LS	890	Shares with KFNF and WILL.
KUT	Austin, Tex	Rice Hotel	100W	1500	Unlimited.
KVI	Tacoma, Wash. T—Des Moines, Wash.	Puget Sound Broadcasting Co. (Inc.).	1KW	760	Limited.
KVL	Seattle, Wash	KVL (Inc.)	100W	1370	Shares with KFBL.
KVOA	Tucson, Ariz	Robert M. Riculfi	500W	1260	Daytime.
KVOO	Tulsa, Okla	Southwestern Sales Corporation	5KW	1140	Shares with WAPI.
KVOS	Bellingham, Wash	KVOS (Inc.)	100W	1200	Unlimited.
KWCR	Cedar Rapids, Iowa	Harry F. Paar	100W	1310	Shares with KFJY and KFGQ.
KWEA	Shreveport, La	Hello World Broadcasting Corporation.	100W	1210	Unlimited.

KWG	Stockton, Calif	Portable Wireless Telephone Co. (Inc.).	100W	1200	Do.
KWJJ	Portland, Oreg	KWJJ Broadcast Co. (Inc.)	500W	1060	Limited.
KWK	St. Louis, Mo. T—Kirkwood, Mo.	Greater St. Louis Broadcasting Corporation.	1KW	1350	Unlimited.
KWKC	Kansas City, Mo	Wilson Duncan, trading as Wilson Duncan Broadcasting Co.	100W	1370	One-half time.
KWKH	Shreveport, La. T—Kennonwood, La.	Hello World Broadcasting Corporation.	10KW	850	Shares with WWL.
KWLC	Decorah, Iowa	Luther College	100W	1270	Daytime, shares with KGCA.
KWSC	Pullman, Wash	State College of Washington	1KW / 2KW–LS	1220	Unlimited.
KWWG	Brownsville, Tex	The Brownsville Herald Publishing Co.	500W	1260	Shares with KRGV.
KXA	Seattle, Wash	American Radio Telephone Co	500W	570	Unlimited.
KXL	Portland, Oreg	KXL Broadcasters	100W	1420	Shares with KBPS.
KXO	El Centro, Calif	E. R. Irey & F. M. Bowles	100W	1500	Unlimited.
KXRO	Aberdeen, Wash	KXRO (Inc.)	75W [38]	1310	Do.
KXYZ	Houston, Tex	Harris County Broadcast Co	100W	1420	Do.
KYA	San Francisco, Calif	Pacific Broadcasting Corporation	1KW	1230	Do.
KYW–KFKX	Chicago, Ill. T—Bloomingdale Township, Ill.	Westinghouse Electric and Manufacturing Co.	10KW	1020	Do.
KZM	Hayward, Calif	Leon P. Tenney	100W	1370	Shares with KRE.

[37] C. P. to increase power to 500 watts LS.
[38] C. P. to increase power to 100 watts.

BROADCASTING STATIONS, ALPHABETICALLY BY STATES AND CITIES

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operation
		ALABAMA			
WAPI	Birmingham	Alabama Polytechnic Institute, University of Alabama and Alabama College.	5KW	1140	Shares with KVOO.
WBRC	do	Birmingham Broadcasting Co. (Inc.).	500W 1KW–LS	930	Unlimited.
WKBC	do	R. B. Broyles, trading as R. B. Broyles Furniture Co.	100W	1310	Do.
WJBY	Gadsden	Gadsden Broadcasting Co. (Inc.)	50W	1210	Do.
WODX	Mobile. T—Springhill	Mobile Broadcasting Corporation	500W	1410	Shares with WSFA.
WSFA	Montgomery	Montgomery Broadcasting Co. (Inc.).	500W	1410	Shares with WODX.
WFDW	Talladega	Raymond C. Hammett	100W	1420	Unlimited.
		ALASKA			
KFQD	Anchorage	Anchorage Radio Club	100W	1230	Unlimited.
KFIU	Juneau	Alaska Electric Light & Power Co.	10W	1310	Do.
KGBU	Ketchikan	Alaska Radio & Service Co. (Inc.)	500W	900	Do.
		ARIZONA			
KFXY	Flagstaff	Mary M. Costigan	100W	1420	Unlimited.
KCRJ	Jerome	Charles C. Robinson	100W	1310	Do.
KTAR	Phoenix	KTAR Broadcasting Co	500W 1KW–LS	620	Do.
KOY	do	Nielsen Radio & Sporting Goods Co.	500W	1390	Do.
KPJM	Prescott	A. P. Miller and Geo. R. Klahn, doing business as Miller & Klahn.	100W	1500	Do.

KVOA	Tucson	Robert M. Riculfi	500W	1260	Daytime.
KGAR	do	Tucson Motor Service C.	100W 250W-LS	1370	Unlimited.
		ARKANSAS			
KLCN	Blytheville	Charles Leo Lintzenich	50W	1290	Daytime.
KUOA	Fayetteville	University of Arkansas	1KW	1390	Shares with KLRA.
KFPW	Fort Smith	Southwestern Hotel Co	50W	1340	Daytime.
KTHS	Hot Springs National Park.	Hot Springs Chamber of Commerce.	10KW	1040	Shares with KRLD.
KLRA	Little Rock	Arkansas Broadcasting Co	1KW	1390	Shares with KUOA.
KGHI	do	Berean Bible Class, First Baptist Church.	100W	1200	Unlimited.
KGJF	do	First Church of the Nazarene	250W	890	Do.
KBTM	Paragould	W. J. Beard (Beard's Temple of Music).	100W	1200	Daytime.
		CALIFORNIA			
KRE	Berkeley	First Congregational Church of Berkeley.	100W	1370	Shares with KZM.
KMPC	Beverly Hills	R. S. Macmillan	500W	710	Limited.
KELW	Burbank	Union Bank & Trust Co. of Los Angeles, guardian of estate of Earl L. White.	500W	780	Shares with KTM.
KFVD	Culver City	Los Angeles Broadcasting Co	250W	1000	Limited.
KXO	El Centro	E. R. Irey and F. M. Bowles	100W	1500	Unlimited.
KMJ	Fresno	James McClatchy Co	100W	1210	Do.
KZM	Hayward	Leon P. Tenney	100W	1370	Shares with KRE.
KFWB	Hollywood	Warner Bros., Broadcasting Corporation.	1KW	950	Unlimited.
KNX	Hollywood. T—Los Angeles.	Western Broadcast Co	5KW [1]	1050	Do.
KFQU	Holy City	W. E. Riker	100W	1420	Shares with KGGC.
KMCS	Inglewood	Dalton's (Inc.)	500W	1120	Shares with KFSG.
KGER	Long Beach	C. Merwin Dobyns	1KW	1360	Shares with KPSN.
KFOX	do	Nichols & Warinner (Inc.)	1KW	1250	Unlimited.
KFI	Los Angeles [2]	Earle C. Anthony (Inc.)	5KW	640	Do.

[1] C. P. to increase power to 50KW-LP.

[2] C. P. to move transmitter to Buena Park, Calif. and increase power to 50KW-LP.

BROADCASTING STATIONS, ALPHABETICALLY BY STATES AND CITIES—Continued

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operation
		CALIFORNIA			
KFSG	Los Angeles	Echo Park Evangelistic Association.	500W	1120	Shares with KMCS.
KGEF	do	Trinity Methodist Church, South	1KW	1300	Shares with KTBI.
KGFJ	do	Ben S. McGlashan	100W	1200	Unlimited.
KHJ	do	Don Lee (Inc.)	1KW	900	Do.
KTBI	do	Bible Institute of Los Angeles	1KW	1300	Shares with KGEF.
KECA	do	Pacific Development Radio Co	1KW	1430	Unlimited.
KTM	Los Angeles. T—Santa Monica.	Pickwick Broadcasting Corporation.	500W / 1KW-LS	780	Shares with KELW.
KMTR	Los Angeles	KMTR Radio Corporation	500W	570	Unlimited.
KLX	Oakland	The Tribune Publishing Co	500W	880	Do.
KLS	do	E. N. and S. W. Warner, doing business as Warner Bros.	250W	1440	Daytime.
KROW	Oakland. T—Richmond	Educational Broadcasting Corporation.	500W / 1KW-LS	930	Shares with KFWI.
KPPC	Pasadena	Pasadena Presbyterian Church	50W	1210	Shares with KFXM.
KPSN	do	Pasadena Star-News Publishing Co.	1KW	1360	Shares with KGER.
KFBK	Sacramento	James McClatchy Co	100W	1310	Unlimited.
KFXM	San Bernardino	J. C. and E. W. Lee (Lee Bros. Broadcasting Co.).	100W	1210	Shares with KPPC.
KFSD	San Diego	Airfan Radio Corporation (Ltd.)	500W / 1KW-LS	600	Unlimited.
KGB	do	Pickwick Broadcasting Corporation.	250W [3]	1330	Do.
KGO	San Francisco. T—Oakland.	National Broadcasting Co. (Inc.)	7½KW	790	Do.
KFRC	San Francisco	Don Lee (Inc.)	1KW	610	Do.
KGGC	do	The Golden Gate Broadcasting Co	100W	1420	Shares with KFQU.
KFWI	do	Radio Entertainments (Inc.)	500W	930	Shares with KROW.
KJBS	do	Julius Brunton & Sons Co	100W	1070	12.01 a. m. to local sunset.

KPO	do	Hale Bros. Stores (Inc.) and The Chronicle Publishing Co.	5KW	680	Unlimited.
KTAB	San Francisco. T—Oakland.	The Associated Broadcasters (Inc.)	1KW	560	Do.
KYA	San Francisco	Pacific Broadcasting Corporation	1KW	1230	Do.
KQW	San Jose	Pacific Agricultural Foundation (Ltd.).	500W	1010	Do.
KREG	Santa Ana	Pacific-Western Broadcasting Federation (Ltd.).	100W	1500	Do.
KDB	Santa Barbara	Dwight Faulding	100W	1500	Do.
KSMR	Santa Maria	Santa Maria Radio	100W	1200	Do.
KGDM	Stockton	E. F. Peffer	250W	1100	Daytime.
KWG	do	Portable Wireless Telephone Co. (Inc.).	100W	1200	Unlimited.
		COLORADO			
KFUM	Colorado Springs	W. D. Corley	1KW	1270	Unlimited.
KPOF	Denver	Pillar of Fire	500W	880	Shares with KFKA.
KFUP	do	Fitzsimons General Hospital, U. S. Army.	100W	1310	Shares with KFXJ.
KFEL	do.[4]	Eugene P. O'Fallon (Inc.)	500W	920	Shares with KFXF.
KFXF	do	Colorado Radio Corporation	500W	920	Shares with KFEL.
KOA	do	National Broadcasting Co. (Inc.)	12½KW	830	Unlimited.
KLZ	do	Reynolds Radio Co. (Inc.)	1KW	560	Do.
KFXJ	Edgewater[5]	R. G. Howell and Chas. Howell, doing business as Western Slope Broadcasting Co.	50W	1310	Shares with KFUP.
KGEW	Fort Morgan	City of Fort Morgan	100W	1200	Shares with KGEK.
KFKA	Greeley	The Mid-Western Radio Corporation.	500W 1KW–LS	880	Shares with KPOF.
KGHF	Pueblo	Curtis P. Ritchie and Joe E. Finch	250W 500W–LS	1320	Unlimited.
KGIW	Trinidad	Leonard E. Wilson	100W	1420	Do.
KGEK	Yuma	Elmer G. Beehler, trading as Beehler Electrical Equipment Co.	50W	1200	Shares with KGEW.

[3] C. P. to increase power to 500 watts.
[4] C. P. to move transmitter to Edgewater, Colo.
[5] C. P. to move transmitter and studio to Grand Junction, Colo., and increase power to 100 watts.

BROADCASTING STATIONS, ALPHABETICALLY BY STATES AND CITIES—Continued

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operation
		CONNECTICUT			
WICC	Bridgeport. T—Easton	Bridgeport Broadcasting Station (Inc.).	500W	1190	Daytime.
WTIC	Hartford. T—Avon	Travelers Broadcasting Service	50KW–LP	1060	Shares with WBAL
WDRC	Hartford. T—Bloomfield	Doolittle Radio Corporation	500W	1330	Unlimited.
WCAC	Storrs	Connecticut Agricultural College	250W	600	Shares with WGBS.
		DELAWARE			
WDEL	Wilmington	WDEL (Inc.)	250W 350W–LS	1120	Unlimited.
WILM	Wilmington. T—Edge Moor.	Delaware Broadcasting Co. (Inc.)	100W	1420	Do.
		DISTRICT OF COLUMBIA			
WOL	Washington	American Broadcasting Co	100W	1310	Unlimited.
WMAL	do	M. A. Leese	250W 500W–LS	630	Do.
WRC	do	National Broadcasting Co. (Inc.)	500W	950	Do.
		FLORIDA			
WFLA–WSUN	Clearwater	Clearwater Chamber of Commerce and St. Petersburg Chamber of Commerce.	1KW 2½KW–LS	620	Unlimited.
WRUF	Gainesville	University of Florida	5KW	830	Limited.
WJAX	Jacksonville	City of Jacksonville	1KW	900	Unlimited.
WQAM	Miami	Miami Broadcasting Co	1KW	560	Do.
WIOD–WMBF	Miami. T—Miami Beach	Isle of Dreams Broadcasting Corporation.	1KW	1300	Do.
WDBO	Orlando	Orlando Broadcasting Co. (Inc.)	500W 1KW–LS	1120	One-half time.

WCOA	Pensacola	City of Pensacola, Fla	500W	1340	Unlimited.
WDAE	Tampa	Tampa Publishing Co	1KW	1220	Do.
WMBR	do	F. J. Reynolds	100W	1370	Do.
		GEORGIA			
WGST	Atlanta	Georgia School of Technology	250W / 500W-LS	890	Shares with WMAZ.
WSB	do	Atlanta Journal Co	5KW	740	Unlimited.
WRDW	Augusta	Musicove (Inc.)	100W	1500	Do.
WRBL	Columbus	David Parmer	50W	1200	Do.
WMAZ	Macon	Macon Junior Chamber of Commerce.	250W / 500W-LS	890	Shares with WGST.
WFDV	Rome	Dolies Goings	100W	1370	Unlimited.
WTOC	Savannah	Savannah Broadcasting Co. (Inc.)	500W	1260	Do.
WQDX	Thomasville	Stevens Luke	50W	1210	Do.
WRBI	Tifton	Charles A. and Milton U. Kent, doing business as Kent's Furniture & Music Store.	20W [7]	1310	One-half time.
WTFI	Toccoa	Toccoa Falls Institute	500W	1450	Unlimited.
		HAWAII			
KGU	Honolulu	Marion A. Mulrony and Advertiser Publishing Co. (Ltd.).	1KW	940	Unlimited.
KGMB	do	Honolulu Broadcasting Co. (Ltd.)	500W	1320	Do.
		IDAHO			
KIDO	Boise	Frank L. Hill and C. G. Phillips, doing business as Boise Broadcast Station.	1KW	1250	Unlimited.
KID	Idaho Falls	KID Broadcasting Co	250W / 500W-LS	1320	Shares with KTFI at night.
KFXD	Nampa	Frank E. Hurt, trading as Service Radio Co.	50W	1420	Unlimited.
KSEI	Pocatello	KSEI Broadcasting Association (Inc.).	250W	900	Do.
KGKX	Sandpoint	C. E. Twiss and F. H. McCann	100W	1420	Do.
KTFI	Twin Falls	Radio Broadcasting Corporation	250W [8]	1320	Shares with KID at night.

[6] C. P. to increase power to 500 watts-L.S.

[7] C. P. to increase power to 100 watts.

[8] C. P. to increase power to 500 watts-L.S

BROADCASTING STATIONS, ALPHABETICALLY BY STATES AND CITIES—Continued

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operation
		ILLINOIS			
WCAZ	Carthage	Superior Broadcasting Service (Inc.).	50W	1070	Daytime.
KYW-KFKX	Chicago. T—Bloomingdale Township.	Westinghouse Electric & Manufacturing Co.	10KW	1020	Unlimited.
WAAF	Chicago	Drovers Journal Publishing Co	500W	920	Daytime.
WBBM-WJBT	Chicago. T—Glenview	Atlass Co. (Inc.)	25KW	770	Shares with KFAB
WCFL	Chicago	Chicago Federation of Labor	1½KW	970	Limited.
WCRW	do	Clinton R. White	100W	1210	Shares with WEDC and WSBC.
WEDC	do	Emil Denemark (Inc.)	100W	1210	Shares with WCRW and WSBC.
WENR-WBCN	Chicago. T—Downers Grove.	Great Lakes Broadcasting Co	50KW-LP	870	Shares with WLS.
WGES	Chicago	Oak Leaves Broadcasting Station (Inc.).	500W / 1KW-LS [9]	1360	Shares with WJKS.
WGN-WLIB	Chicago. T—Elgin	The Tribune Co	25KW	720	Unlimited.
WIBO	Chicago. T—Desplaines	Nelson Bros. Bond & Mortgage Co.	1KW / 1½KW-LS	560	Shares with WPCC and WISJ. [10]
WKBI	Chicago	Fred L. Schoenwolf	100W	1420	Shares with WEHS and WHFC.
WLS	Chicago. T—Crete	Agricultural Broadcasting Co	5KW [11]	870	Shares with WENR and WBCN.
WMAQ	Chicago. T—Addison	WMAQ (Inc.)	5KW	670	Unlimited.
WMBI	do do	The Moody Bible Institute Radio Station.	5KW	1080	Limited. Shares with WCBD.
WCHI	Chicago. T—Batavia	People's Pulpit Association	5KW	1490	Shares with WJAZ and WCKY.
WPCC	Chicago	North Shore Church	500W	560	Shares with WIBO and WISJ. [12]
WSBC	do	World Battery Co. (Inc.)	100W	1210	Shares with WEDC and WCRW.

WHFC	Cicero	Triangle Broadcasters	100W	1420	Shares with WEHS and WKBI.
WJBL	Decatur	Commodore Broadcasting (Inc.)	100W	1200	Shares with WJBC.
WEHS	Evanston	WEHS (Inc.)	100W	1420	Shares with WHFC and WKBI.
WKBS	Galesburg	Permil N. Nelson	100W	1310	Unlimited.
WEBQ	Harrisburg	First Trust & Savings Bank of Harrisburg.	100W	1210	Shares with KFVS.
WCLS	Joliet	WCLS (Inc.)	100W	1310	Shares with WKBB.
WKBB	do	Sanders Bros. Radio Station	100W	1310	Shares with WCLS.
WJBC	La Salle	Wayne Hummer and H. J. Dee, doing business as Kaskaskia Broadcasting Co.	100W	1200	Shares with WJBL.
WJJD	Mooseheart	Supreme Lodge of World Loyal Order of Moose.	20KW	1130	Limited.
WJAZ	Mount Prospect	Zenith Radio Corporation	5KW	1490	Shares with WCHI and WCKY.
WMBD	Peoria Heights	E. M. Kahler (owner Peoria Heights Radio Laboratory).	500W 1KW–LS	1440	Shares with WTAD.
WTAD	Quincy	Illinois Stock Medicine Broadcasting Corporation.	500W	1440	Shares with WMBD.
WHBF	Rock Island	Beardsley Specialty Co	100W	1210	Unlimited.
KFLV	Rockford	Rockford Broadcasters (Inc.)	500W	1410	Shares with WHBL.
WCBS	Springfield	Charles H. Messter and Harold L. Dewing.	100W	1210	Shares with WTAX.
WTAX	do	Williams Hardware Co	100W	1210	Shares with WCBS.
WDZ	Tuscola	James L. Bush	100W	1070	Daytime.
WILL	Urbana	University of Illinois	250W 500W–LS	890	Shares with KFNF and KUSD.
WCBD	Zion	Wilbur Glenn Voliva	5KW	1080	Limited. Shares with WMBI.
		INDIANA			
WHBU	Anderson	Citizens Bank	100W	1210	Unlimited.
WKBV	Connersville	William O. Knox, trading as Knox Battery & Electric Co.	100W 150W–LS	1500	Do.
WCMA	Culver	General Broadcasting Corporation	500W	1400	Shares with WBAA and WKBF.

[9] On Sunday.
[10] WISJ temporarily operating on 780 kilocycles.
[11] C. P. to increase power to 50 KW–LP.
[12] WISJ temporarily operating on 780 kilocycles.

BROADCASTING STATIONS, ALPHABETICALLY BY STATES AND CITIES—Continued

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operation
		INDIANA—Continued			
WGBF	Evansville	Evansville on the Air (Inc.)	500W	630	Shares with WOS and KFRU.
WGL	Fort Wayne	Fred C. Zieg (Allen-Wayne Co.)	100W	1370	Unlimited.
WOWO	do	Main Auto Supply Co	10KW	1160	Shares with WWVA.
WJKS	Gary	Johnson-Kennedy Radio Corporation.	1KW 1¼KW-LS	1360	Shares with WGES.
WWAE	Hammond	Hammond-Calumet Broadcasting Corporation.	100W	1200	Shares with WRAF.
WFBM	Indianapolis	Indianapolis Power & Light Co	1KW	1230	Shares with WSBT.
WKBF	Indianapolis. T—Clermont.	Indianapolis Broadcasting (Inc.)	500W	1400	Shares with WBAA and WCMA.
WRAF	La Porte	Charles Middleton	100W	1200	Shares with WWAE.
WJAK	Marion	Marion Broadcast Co	50W	1310	Shares with WLBC.
WLBC	Muncie	Donald A. Burton	50W	1310	Shares with WJAK.
WSBT	South Bend	South Bend Tribune	500W	1230	Shares with WFBM.
WBOW	Terre Haute	Banks of Wabash (Inc.)	100W	1310	Unlimited.
WBAA	West Lafayette	Purdue University	500W 1KW-LS	1400	Shares with WCMA and WKBF.
		IOWA			
WOI	Ames	Iowa State College of Agriculture and Mechanic Arts.	5KW	640	Daytime.
KFGQ	Boone	Boone Biblical College	100W	1310	Shares with KFJY and KWCR.
KWCR	Cedar Rapids	Harry F. Paar	100W	1310	Shares with KFJY and KFGQ.
KSO	Clarinda	Berry Seed Co	500W	1380	Shares with WKBH.
KOIL	Council Bluffs	Mona Motor Oil Co	1KW	1260	Unlimited.
WOC	Davenport	Central Broadcasting Co	5KW	1000	Synchronizes with WHO experimentally.
KGCA	Decorah	Charles W. Greenley	50W	1270	Daytime. Shares with KWLC.
KWLC	do	Luther College	100W	1270	Daytime. Shares with KGCA.

WHO	Des Moines	Central Broadcasting Co	5KW	1000	Synchronizes with WOC experimentally.
KFJY	Fort Dodge	C. S. Tunwall	100W	1310	Shares with KFGQ and KWCR.
WSUI	Iowa City	State University of Iowa	500W	880	Three-sevenths time.
KFJB	Marshalltown	Marshall Electric Co. (Inc.)	100W 250W-LS	1200	One-half time.
KTNT	Muscatine	Norman Baker	5KW	1170	Limited.
WIAS	Ottumwa	Iowa Broadcasting Co	100W	1420	Unlimited.
KICK	Red Oak	Red Oak Radio Corporation	100W	1420	Do.
KFNF	Shenandoah	Henry Field Co	500W 1KW-LS	890	Shares with WILL and KUSD.
KMA	do	May Seed & Nursery Co	500W 1KW-LS	930	Shares with KGBZ.
KSCJ	Sioux City	Perkins Bros. Co	1KW 2½KW-LS	1330	Shares with WTAQ.
WMT	Waterloo	Waterloo Broadcasting Co	500W	600	Unlimited.
		KANSAS			
KGNO	Dodge City	Dodge City Broadcasting Co (Inc.)	100W	1210	Unlimited.
WLBF	Kansas City	The WLBF Broadcasting Co	100W	1420	Do.
KFKU	Lawrence	University of Kansas	500W	1220	Shares with WREN.
WREN	do	Jenny Wren Co	1KW	1220	Shares with KFKU.
KSAC	Manhattan	Kansas State Agricultural College	500W 1KW-LS	580	Shares with WIBW.
KFKB	Milford	The KFKB Broadcasting Association (Inc.).	5KW	1050	Limited.
WIBW	Topeka	Topeka Broadcasting Association (Inc.).	1KW [13]	480	Shares with KSAC.
KFH	Wichita	Radio Station KFH Co	1KW	1300	Shares with WOQ.
		KENTUCKY			
WCKY	Covington. T—Crescent Springs.	L. B. Wilson (Inc.)	5KW	1490	Shares with WJAZ and WCHI.
WFIW	Hopkinsville	WFIW (Inc.)	1KW	940	Unlimited.

[13] Experimentally.

BROADCASTING STATIONS, ALPHABETICALLY BY STATES AND CITIES—Continued

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operaton
		KENTUCKY—Continued			
WHAS	Louisville. T—Jeffersontown.	The Courier-Journal and The Louisville Times Co.	10KW	820	Unlimited.
WLAP	Louisville	American Broadcasting Corporation of Kentucky.	100W	1200	Do.
			250W-LS		
WPAD	Paducah	Pierce E. Lackey & S. Houston McNutt, doing business as Paducah Broadcasting Co.	100W	1420	Do.
		LOUISIANA			
KMLB	Monroe	J. C. Liner	50W	1200	Daytime.
WABZ	New Orleans	Coliseum Place Baptist Church	100W	1200	Shares with WJBW.
WDSU	New Orleans. T—Gretna	Joseph H. Uhalt	1KW	1250	Unlimited.
WJBO	New Orleans	Valdemar Jensen	100W	1420	Do.
WJBW	do	C. Carlson	30W [14]	1200	Shares with WABZ.
WSMB	do	Saenger Theaters (Inc.) and Maison Blanche Co.	500W	1320	Unlimited.
WWL	do	Loyola University	5KW	850	Shares with KWKH.
KRMD	Shreveport	Robert M. Dean	50W	1310	Shares with KTSL.
KTBS	do	Tri State Broadcasting System (Inc.).	1KW	1450	Unlimited.
KTSL	do	G. A. Houseman	100W	1310	Shares with KRMD.
KWEA	do	Hello World Broadcasting Corporation.	100W	1210	Unlimited.
KWKH	Shreveport. T—Kennonwood.	do	10KW	850	Shares with WWL.
		MAINE			
WRDO	Augusta	Albert S. Woodman	100W	1370	Unlimited (C. P. only).
WABI	Bangor	Pine Tree Broadcasting Corporation.	100W	1200	Unlimited.

WLBZ	do	Maine Broadcasting Co. (Inc.)	500W	620	Do.
WCSH	Portland. T—Scarboro	Congress Square Hotel Co	1KW	940	Do.
		MARYLAND			
WBAL	Baltimore. T—Glen Morris.	Consolidated Gas Electric Light & Power Co. of Baltimore.	10KW	1060	Shares with WTIC.
WCAO	Baltimore	Monumental Radio (Inc.)	250W	600	Unlimited.
WCBM	do	Baltimore Broadcasting Corporation.	100W 250W-LS	1370	Do.
WFBR	do	Baltimore Radio Show (Inc.)	500W	1270	Do.
WTBO	Cumberland	Associated Broadcasting Corporation.	100W 250W-LS	1420	Do.
		MASSACHUSETTS			
WBZA	Boston [15]	Westinghouse Electric and Manufacturing Co.	500W	990	Shares with WBZ.
WEEI	Boston. T—Weymouth	Edison Electric Illuminating Co. of Boston.	1KW	590	Unlimited.
WHDH	Boston. T—Gloucester	Matheson Radio Co. (Inc.)	1KW	830	Daytime until sunset at Denver, Colo.
WLOE	Boston. T—Chelsea	Boston Broadcasting Co	100W 250W-LS	1500	One-half time.
WNAC-WBIS	Boston. T—Quincy	Shepard Broadcasting Service (Inc.).	1KW	1230	Unlimited.
WSSH	Boston	Tremont Temple Baptist Church	500W	1410	Shares with WLEX and WMAF.
WSAR	Fall River	Doughty and Welch Electric Co. (Inc.).	250W	1450	Unlimited.
WLEX	Lexington	Bay State Broadcasting Corporation.	500W	1410	Shares with WMAF and WSSH.
WLEY	do	Carl S. Wheeler, trading as The Lexington Air Stations.	100W 250W-LS	1370	One-half time.
WBSO	Needham	Babson's Statistical Organization (Inc.).	500W	920	Daytime.

[14] C. P. to increase power to 100 watts.

[15] C. P. to move transmitter to East Springfield, Mass., and increase power to 1 kilowatt.

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BROADCASTING STATIONS, ALPHABETICALLY BY STATES AND CITIES—Continued

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operation
		MASSACHUSETTS—Con.			
WNBH	New Bedford. T—Fairhaven.	Irving Vermilya, trading as New Bedford Broadcasting Co.	100W	1310	Unlimited.
WMAF	South Dartmouth	Round Hills Radio Corporation	500W	1410	Shares with WLEX and WSSH.
WBZ	Springfield. T—East Springfield.[16]	Westinghouse Electric & Manufacturing Co.	15KW	990	Shares with WBZA.
WORC-WEPS	Worcester. T—Auburn	Alfred Frank Kleindienst	100W	1200	Unlimited.
WTAG	Worcester	Worcester Telegram Publishing Co. (Inc.).	250W	580	Do.
		MICHIGAN			
WELL	Battle Creek	Enquirer-News Co	50W [17]	1420	Unlimited.
WBCM	Bay City. T—Hampton Township.	James E. Davidson	500W	1410	Do.
WKZO	Berrien Springs	WKZO (Inc.)	1KW	590	Daytime.
WHDF	Calumet	Upper Michigan Broadcasting Co.	100W 250W-LS	1370	Unlimited.
WXYZ	Detroit	Kunsky-Trendle Broadcasting Corporation.	1KW	1240	Do.
WJR	Detroit. T—Sylvan Lake Village.	WJR, The Goodwill Station (Inc.)	5KW	750	Do.
WMBC	Detroit	Michigan Broadcasting Co	100W 250W-LS	1420	Do.
WWJ	do	The Evening News Association (Inc.).	1KW	920	Do.
WKAR	East Lansing	Michigan State College	1KW	1040	Daytime.
WFDF	Flint	Frank D. Fallain	100W	1310	Unlimited.
WASH	Grand Rapids	WASH Broadcasting Corporation	500W	1270	Shares with WOOD.
WOOD	Grand Rapids. T—Furnwood.	Walter B. Stiles (Inc.)	500W	1270	Shares with WASH.

WJBK	Highland Park	James F. Hopkins (Inc.)	50W	1370	Shares with WIBM.
WIBM	Jackson	WIBM (Inc.)	100W	1370	Shares with WJBK.
WMPC	Lapeer	First Methodist Protestant Church of Lapeer.	100W	1500	Unlimited.
WKBZ	Ludington	K. L. Ashbacker	50W	1500	Do.
WBEO	Marquette	Chas. C. MacLeod	100W	1310	Unlimited (C. P. only).
WEXL	Royal Oak	Royal Oak Broadcasting Co	50W	1310	Unlimited.
		MINNESOTA			
KGDE	Fergus Falls	Chas. L. Jaren	100W / 250W-LS	1200	Unlimited.
WCCO	Minneapolis. T—Anoka	Northwestern Broadcasting (Inc.)	7½KW	810	Do.
WDGY	Minneapolis	Dr. George W. Young	1KW	1180	Limited. Shares with WHDI.
WHDI	do	Wm. Hood Dunwoody Industrial Institute.	500W	1180	Limited. Shares with WDGY.
WLB-WGMS	Minneapolis. T—St. Paul	University of Minnesota	1KW	1250	Shares with WCAL, KFMX, and WRHM.
WRHM	Minneapolis. T—Fridley	Minnesota Broadcasting Corporation.	1KW	1250	Shares with WLB, KFMX, and WCAL.
KGFK	Moorhead	Red River Broadcasting Co. (Inc.)	50W	1500	Unlimited.
KFMX	Northfield	Carleton College	1KW	1250	Shares with WLB, WCAL, and WRHM.
WCAL	do	St. Olaf College	1KW	1250	Shares with WLB, KFMX, and WRHM.
KSTP	St. Paul. T—Westcott	National Battery Broadcasting Co.	10KW	1460	Unlimited.
		MISSISSIPPI			
WRBQ	Greenville	J. Pat Scully	100W / 250W-LS	1210	Unlimited.
WGCM	Gulfport. T—Mississippi City.	Great Southern Land Co	100W	1210	Do.
WRBJ	Hattiesburg	Woodruff Furniture Co. (Inc.)	10W	1370	Do.
WJDX	Jackson	Lamar Life Insurance Co	1KW	1270	Do.
WCOC	Meridian	Mississippi Broadcasting Co. (Inc.)	500W / 1KW-LS	880	Do.
WDIX	Tupelo	North Mississippi Broadcasting Corporation.	100W	1500	Do.
WQBC	Vicksburg	Delta Broadcasting Co. (Inc.)	300W	1360	Daytime (C. P. only).

[16] C. P. to move transmitter to Millis Township, Mass., studio to Boston, Mass. and consolidate with WBZA.
[17] C. P. to increase power to 100 watts.

BROADCASTING STATIONS, ALPHABETICALLY BY STATES AND CITIES—Continued

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operation
		MISSOURI			
KFVS	Cape Girardeau	Oscar C. Hirsch, trading as Hirsch Battery & Radio Co.	100W	1210	Shares with WEBQ.
KFUO	Clayton	Evangelical Lutheran Synod of Missouri, Ohio and other States. Rev. R. Kretzschmar, Chairman, Board of Control of Concordia Seminary.	500W 1KW–LS	550	Shares with KSD.
KFRU	Columbia	Stephens College	500W	630	Shares with WOS and WGBF.
KGIZ	Grant City	Grant City Park Corporation	50W [18]	1500	Unlimited.
WOS	Jefferson City	Missouri State Marketing Bureau.	500W	630	Shares with KFRU and WGBF
WMBH	Joplin	Edwin Dudley Aber	100W 250W–LS	1420	Unlimited.
KMBC	Kansas City. T—Independence.	Midland Broadcasting Co	1KW	950	Do.
KWKC	Kansas City	Wilson Duncan, trading as Wilson Duncan Broadcasting Co.	100W	1370	One-half time.
WDAF	do	Kansas City Star Co	1KW	610	Unlimited.
WHB	Kansas City. T—North Kansas City.	WHB Broadcasting Co	500W	860	Daytime.
WOQ	Kansas City	Unity School of Christianity	1KW	1300	Shares with KFH.
KFEQ	St. Joseph	Scroggin & Co. Bank	2½KW	680	Daytime, 6 a. m. to local sunset.
KGBX	do	KGBX (Inc.)	100W	1310	Unlimited.
KFWF	St. Louis	St. Louis Truth Center (Inc.)	100W	1200	Shares with WIL.
KMOX	do	Voice of St. Louis (Inc.)	50KW–LP	1090	Unlimited.
KSD	do	Pulitzer Publishing Co	500W	550	Shares with KFUO.
KWK	St. Louis. T—Kirkwood.	Greater St. Louis Broadcasting Corporation.	1KW	1350	Unlimited.
WEW	St. Louis	St. Louis University	1KW	760	Daytime.
WIL	do	Missouri Broadcasting Corporation.	100W 250W–LS	1200	Shares with KFWF.

		MONTANA			
KGHL	Billings	Northwestern Auto Supply Co. (Inc.).	1KW	950	Unlimited.
KGIR	Butte	KGIR (Inc.)	500W	1360	One-half time.
KFBB	Great Falls	Buttrey Broadcast (Inc.)	1KW 2½KW-LS	1280	Unlimited.
KGEZ	Kalispell	Donald C. Treloar and Stanley R. Church, doing business as Treloar-Church Broadcasting Co.	100W	1310	Do.
KGVO	Missoula	Mosby's (Inc.)	100W	1420	10 a. m. to 6 p. m. (C. P. only).
KGCX	Wolf Point	First State Bank of Vida	100W 250W-LS	1310	One-half time.
		NEBRASKA			
KMMJ	Clay Center	The M. M. Johnson Co	1KW	740	Limited.
KFOR	Lincoln	Howard A. Shuman	100W 250W-LS	1210	Unlimited
KFAB	do	KFAB Broadcasting Co	5KW	770	Shares with WBBM-WJBT.
WCAJ	do	Nebraska Wesleyan University	500W [18]	590	Shares with WOW.
WJAG	Norfolk	Norfolk Daily News	1KW	1060	Limited.
KGNF	North Platte	Herbert Logan Spencer	500W	1430	Daytime.
WAAW	Omaha	Omaha Grain Exchange	500W	660	Do.
WOW	do	Woodmen of the World Life Insurance Association.	1KW	590	Shares with WCAJ.
KGFW	Ravenna	Central Nebraska Broadcasting Corporation.	100W	1310	Unlimited.
KGKY	Scottsbluff	Hilliard Company (Inc.)	100W	1500	Do.
KGBZ	York	Dr. George R. Miller	500W 1KW-LS	930	Shares with KMA.
		NEVADA			
KGIX	Las Vegas	J. M. Heaton	100W	1420	Unlimited.
KOH	Reno	Jay Peters (Inc.)	500W	1380	Do.
		NEW HAMPSHIRE			
WKAV	Laconia	Laconia Radio Club	100W	1310	Unlimited.

[18] C. P. to increase power to 100 watts.

[19] C. P. to decrease power to 250 watts.

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BROADCASTING STATIONS, ALPHABETICALLY BY STATES AND CITIES—Continued

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operation
		NEW JERSEY			
WCAP	Asbury Park	Radio Industries Broadcasting Co.	500W	1280	Shares with WCAM and WOAX.
WPG	Atlantic City	WPG Broadcasting Corporation	5KW	1100	Shares with WLWL.
WCAM	Camden	City of Camden	500W	1280	Shares with WCAP and WOAX.
WBMS	Hackensack	WBMS Broadcasting Corporation	250W	1450	Shares with WHOM, WKBO, and WNJ.
WAAT	Jersey City	Bremer Broadcasting Corporation	300W	940	Daytime until 6 p. m., eastern standard time.
WHOM	do	New Jersey Broadcasting Corporation.	250W	1450	Shares with WBMS, WKBO, and WNJ.
WKBO	do	Camith Corporation	250W	1450	Shares with WBMS, WHOM, and WNJ.
WAAM	Newark	WAAM (Inc.)	1KW / 2KW-LS [20]	1250	Shares with WGCP and WODA.
WGCP	do	May Radio Broadcast Corporation	250W	1250	Shares with WODA and WAAM.
WNJ	do	Radio Investment Co. (Inc.)	250W	1450	Shares with WHOM WKBO, and WBMS.
WOR	Newark. T—Kearny	Bamberger Broadcasting Service (Inc.).	5KW	710	Unlimited.
WODA	Paterson	Richard E. O'Dea	1KW	1250	Shares with WGCP and WAAM.
WJBI	Red Bank	Monmouth Broadcasting Co	100W	1210	Shares with WMRJ, WGBB, and WCOH.
WOAX	Trenton	WOAX (Inc.)	500W	1280	Shares with WCAM and WCAP.
WAWZ	Zarephath	Pillar of Fire	250W	1350	Shares with WMSG, WCDA, and WBNX (C. P. only).

NEW MEXICO

KGGM	Albuquerque	New Mexico Broadcasting Co	250W 500W-LS	1230	Unlimited.
KGFL	Raton	W. E. Whitmore	50W	1370	Do.
KOB	State College	New Mexico College of Agriculture and Mechanic Arts.	20KW	1180	Shares with KEX.

NEW YORK

WMBO	Auburn	George I. Stevens, trading as Radio Service Laboratories.	100W	1310	Unlimited.
WNBF	Binghamton	Howitt-Wood Radio Co. (Inc.)	100W	1500	Do.
WBBC	Brooklyn	Brooklyn Broadcasting Corporation.	500W	1400	Shares with WCGU, WLTH, and WFOX.
WBBR	Brooklyn. T—Rossville	People's Pulpit Association	1KW	1300	Shares with WHAP, WEVD, and WHAZ.
WCGU	Brooklyn	U. S. Broadcasting Corporation	500W	1400	Shares with WFOX, WLTH, and WBBC.
WCLB	do	Arthur Faske	100W	1500	Shares with WWRL, WMBQ, and WLBX (C. P. only).
WFOX	do	Paramount Broadcasting Corporation.	500W	1400	Shares with WCGU, WLTH, and WBBC.
WLTH	do	Voice of Brooklyn (Inc.)	500W	1400	Shares with WCGU, WBBC, and WFOX.
WMBQ	do	Paul J. Gollhofer	100W	1500	Shares with WLBX, WCLB, and WWRL.
WBEN	Buffalo. T—Martinsville.	Edward H. Butler, trustee for Ada Butler Mitchell and Edward H. Butler, doing business as Buffalo Evening News.	1KW	900	Unlimited.
WEBR	Buffalo	Howell Broadcasting Co. (Inc.)	100W 200W-LS	1310	Do.
WGR	Buffalo. T—Amherst	Buffalo Broadcasting Corporation	1KW	550	Do.
WKBW	do do	WKBW (Inc.)	5KW	1480	Do.
WMAK	Buffalo. T–Grand Island.[31]	Buffalo Broadcasting Corporation	1KW	1040	Limited.

[30] C. P. to increase power to 2½ KW-LS.
[31] C. P. to move transmitter to Amherst, N. Y.

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BROADCASTING STATIONS, ALPHABETICALLY BY STATES AND CITIES—Continued

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operation
		NEW YORK—Continued			
WSVS	Buffalo	Seneca Vocational High School (Elmer S. Pierce, principal).	50W	1370	Unlimited.
WCAD	Canton	St. Lawrence University	500W	1220	Daytime.
WGBB	Freeport	Harry H. Carman	100W	1210	Shares with WMRJ, WJBI, and WCOH.
WBGF	Glens Falls	W. Neal Parker and Herbert H. Metcalfe.	50W	1370	Unlimited.
WEAI	Ithaca	Cornell University	1KW	1270	Daytime.
WLCI	do	Lutheran Association of Ithaca, N. Y.	50W	1210	Unlimited.
WMRJ	Jamaica	Peter J. Prinz	100W	1210	Shares with WGBB, WJBI, and WCOH.
WOCL	Jamestown	A. E. Newton	25W	1210	Unlimited.
WLBX	Long Island City	John N. Brahy	100W	1500	Shares with WMBQ, WCLB, and WWRL.
WABC–WBOQ	New York. T—West of Cross Bay Boulevard, Queens County, N. Y.[22]	Atlantic Broadcasting Corporation.	5KW	860	Unlimited.
WBNX	New York	Standard Cahill Co. (Inc.)	250W	1350	Shares with WAWZ, WMSG, and WCDA.
WCDA	New York. T—Cliffside, N. J.	Italian Educational Broadcasting Co. (Inc.).	250W	1350	Shares with WAWZ, WMSG, and WBNX.
WEAF	New York. T—Bellmore	National Broadcasting Co. (Inc.)	50KW–LP	660	Unlimited.
WEVD	New York. T—Forest Hills.	Debs Memorial Radio Fund (Inc.)	500W	1300	Shares with WBBR, WHAP, and WHAZ.
WGBS	New York. T—Astoria, Long Island.	General Broadcasting System (Inc.).	250W / 500W–LS[23]	600	Shares with WCAC.
WHAP	New York. T—Carlstadt, N. J.	Defenders of Truth Society (Inc.)	1KW	1300	Shares with WBBR, WEVD, and WHAZ.
WHN	New York	Marcus Loew Booking Agency	250W	1010	Shares with WRNY and WQAO–WPAP.

WJZ	New York. T—Bound Brook, N. J.	National Broadcasting Co. (Inc.)	30KW-LP	760	Unlimited.
WLWL	New York. T—Kearny, N. J.	Missionary Society of St. Paul the Apostle.	5KW	1100	Shares with WPG.
WMCA	New York. T—Hoboken, N. J.	Knickerbocker Broadcasting Co. (Inc.).	500W	570	Shares with WNYC.
WMSG	New York	Madison Square Garden Broadcast Corporation.	250W	1350	Shares with WAWZ, WCDA, and WBNX.
WNYC	do	City of New York, Department of Plant and Structures.	500W	570	Shares with WMCA.
WOV	New York. T—Secaucus, N. J.	International Broadcasting Corporation.	1KW	1130	Daytime to 6 p. m.
WPCH	New York. T—Hoboken, N. J.	Eastern Broadcasters (Inc.)	500W	810	Daytime.
WQAO-WPAP	New York. T—Cliffside, N. J.	Calvary Baptist Church	250W	1010	Shares with WRNY and WHN.
WRNY	New York. T—Coytesville, N. J.	Aviation Radio Station (Inc.)	250W	1010	Shares with WHN and WQAO-WPAP.
WPOE	Patchogue	Nassau Broadcasting Corporation	100W	1370	Unlimited.
WOKO	Poughkeepsie. T—Mount Beacon.[24]	WOKO (Inc.)	500W	1440	Shares with WHEC-WABO.
WHAM	Rochester. T—Victor Township.	Stromberg-Carlson Telephone Manufacturing Co.	5KW	1150	Unlimited.
WHEC-WABO	Rochester	Hickson Electric & Radio Corporation.	500W	1440	Shares with WOKO.
WNBZ	Saranac Lake	Earl J. Smith and William Mace, doing business as Smith & Mace.	50W	1290	Daytime.
WGY	Schenectady. T—South Schenectady.	General Electric Co	50KW	790	Unlimited.
WFBL	Syracuse [25]	Onondago Radio Broadcasting Corporation.	1KW	1360	Do.
WSYR-WMAC	Syracuse	Clive B. Meredith	250W	570	Do.
WHAZ	Troy	Rensselær Polytechnic Institute	500W	1300	Shares with WBBR, WHAP, and WEVD.
WHDL	Tupper Lake	Tupper Lake Broadcasting Co. (Inc.).	10W [26]	1420	Daytime.

[23] C. P. to move transmitter to Wayne, N. J., and increase power to 50 KW-LP.
[24] Experimentally.
[25] C. P. to move transmitter and studio to Albany, N. Y.
[26] C. P. to move transmitter to Collamer, N. Y. and increase power to 2½ KW-LS.
[27] C. P. to increase power to 100 watts.

BROADCASTING STATIONS, ALPHABETICALLY BY STATES AND CITIES—Continued

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operation
		NEW YORK—Continued			
WIBX	Utica	WIBX (Inc.)	100W 300W–LS	1200	Unlimited.
WWRL	Woodside	Long Island Broadcasting Corporation.	100W	1500	Shares with WMBQ, WLBX, and WCLB.
WCOH	Yonkers. T—Greenville	Westchester Broadcasting Corporation.	100W	1210	Shares with WJBI, WGBB, and WMRJ.
		NORTH CAROLINA			
WWNC	Asheville	Citizens Broadcasting Co. (Inc.)	1KW	570	Unlimited.
WBT	Charlotte	Station WBT (Inc.)	5KW	1080	Do.
WSOC	Gastonia	WSOC (Inc.)	100W	1210	Do.
WBIG	Greensboro	North Carolina Broadcasting Co. (Inc.).	500W	1440	Do.
WPTF	Raleigh	Durham Life Insurance Co	1KW	680	Limited.
WRBT	Wilmington	Wilmington Radio Association (Inc.)	100W	1370	Unlimited.
WSJS	Winston-Salem	Winston-Salem Journal Co	100W	1310	Do.
		NORTH DAKOTA			
KFYR	Bismarck	Meyer Broadcasting Co	1KW 2½KW–LS [27]	550	Shares with KFDY.
KDLR	Devils Lake	KDLR (Inc.)	100W	1210	Unlimited.
WDAY	Fargo. T—West Fargo	WDAY (Inc.)	1KW	940	Do.
KFJM	Grand Forks	University of North Dakota	100W	1370	Do.
KGCU	Mandan	Mandan Radio Association	100W	1200	Do.
KLPM	Minot	John B. Cooley	100W	1420	Do.

OHIO

WHBC	Canton	St. John's Catholic Church	10W	1200	Shares with WNBO on Sundays.
WFBE	Cincinnati	Radio station WFBE (Inc.)	100W 250W-LS	1200	Unlimited.
WKRC	do	WKRC (Inc.)	1KW	550	Do.
WLW	Cincinnati. T—Mason	Crosley Radio Corporation	50KW-LP	700	Do.
WSAI	do do	Crosley Radio Corporation (lessee)	500W	1330	Do.
WGAR	Cleveland	The WGAR Broadcasting Co	500W	1450	Do.
WJAY	do	Cleveland Radio Broadcasting Corporation.	500W	610	Daytime.
WHK	Cleveland. T—Seven Hills.	Radio Air Service Corporation	1KW	1390	Unlimited.
WTAM	Cleveland. T—Brecksville Village.	National Broadcasting Co. (Inc.)	50KW-LP	1070	Do.
WAIU	Columbus	American Insurance Union	500W	640	Limited.
WCAH	do	Commercial Radio Service Co	500W	1430	Shares with WHP and WBAK.
WEAO	do	Ohio State University	750W	570	Shares with WKBN.
WSEN	do	Columbus Broadcasting Corporation.	100W	1210	Unlimited.
WSMK	Dayton	Stanley M. Krohn, jr	200W	1380	Shares with KQV at night.
WJW	Mansfield	John F. Weimer, owner, Mansfield Broadcasting Association.	100W	1210	Unlimited.
WHBD	Mount Orab	F. P. Moler	100W	1370	Do.
WIBR	Steubenville	Geo. W. Robinson	50W	1420	One-half time.
WADC	Tallmadge	Allen T. Simmons	1KW	1320	Unlimited.
WSPD	Toledo	Toledo Broadcasting Co	500W 1KW-LS	1340	Do.
WKBN	Youngstown	Warren P. Williamson, jr	500W	570	Shares with WEAO.
WALR	Zanesville	Roy W. Waller	100W	1210	Unlimited.

OKLAHOMA

KGFF	Alva [28]	D. R. Wallace, owner, KGFF Broadcasting Co.	100W	1420	Unlimited.
KOCW	Chickasha	Oklahoma College for Women	250W 500W-LS	1400	Do.

[27] Experimentally.

[28] C. P. to move transmitter and studio to Shawnee, Okla.

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BROADCASTING STATIONS, ALPHABETICALLY BY STATES AND CITIES—Continued

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operation
		OKLAHOMA—Continued.			
KGMP	Elk City	F. Homer Bryant, trading as Bryant Radio & Electric Co.	100W	1210	Unlimited.
KCRC	Enid	Champlin Refining Co	100W 250W–LS	1370	Shares with KGFG.
WNAD	Norman	University of Oklahoma	500W	1010	Shares with KGGF.
KFJF	Oklahoma City	National Radio Manufacturing Co.	5KW	1480	Unlimited.
KFXR	do	Exchange Avenue Baptist Church	100W 250W–LS	1310	Do.
KGFG	do	Oklahoma Broadcasting Co. (Inc.)	100W	1370	Shares with KCRC.
WKY	do	WKY Radiophone Co	1KW	900	Unlimited.
WBBZ	Ponca City	C. L. Carrell	100W	1200	Do.
KGGF	South Coffeyville	Hugh J. Powell and Stanley Platz, doing business as Powell & Platz	500W	1010	Shares with WNAD.
KVOO	Tulsa	Southwestern Sales Corporation	5KW	1140	Shares with WAPI.
		OREGON			
KFJI	Astoria	KFJI Broadcasters (Inc.)	100W	1370	Unlimited.
KOAC	Corvallis	Oregon State Agricultural College	1KW	550	Do.
KORE	Eugene	Frank L. Hill and C. G. Phillips, doing business as Eugene Broadcast Station.	100W	1420	Do.
KOOS	Marshfield	H. H. Hanseth (Inc.)	100W	1370	Do.
KMED	Medford	Mrs. W. J. Virgin	50W	1310	Do.
KBPS	Portland	Benson Polytechnic School	100W	1420	Shares with KXL.
KEX	do	Western Broadcasting Co	5KW	1180	Shares with KOB.
KFJR	do	Ashley C. Dixon, trading as Ashley C. Dixon & Son.	500W	1300	Shares with KTBR.
KGW	do	Oregonian Publishing Co	1KW	620	Unlimited.
KOIN	Portland. T–Sylvan	KOIN (Inc.)	1KW	940	Do.
KTBR	Portland	M. E. Brown	500W	1300	Shares with KFJR.

KWJJ	do	KWJJ Broadcast Co. (Inc.)	500W	1060	Limited.
KXL	do	KXL Broadcasters	100W	1420	Shares with KBPS.

PENNSYLVANIA

WCBA	Allentown	B. Bryan Musselman	250W	1440	Shares with WSAN.
WSAN	do	Allentown Call Publishing Co. (Inc.)	250W	1440	Shares with WCBA.
WFBG	Altoona	William F. Gable Co	100W [39]	1310	Shares with WJAC.
WNBW	Carbondale	G. F. Schiessler and M. E. Stephens, doing business as Home Cut Glass & China Co.	10W	1200	Unlimited.
WIBG	Elkins Park	St. Paul's P. E. Church	50W	930	Daytime.
WEDH	Erie	Erie Dispatch-Herald Broadcasting Corporation.	100W	1420	Unlimited.
WSAJ	Grove City	Grove City College	100W	1310	Do.
WBAK	Harrisburg	Pennsylvania State Police, Commonwealth of Pennsylvania.	500W 1KW-LS	1430	Shares with WHP and WCAH
WCOD	do	Keystone Broadcasting Corporation.	100W	1200	Shares with WKJC.
WHP	Harrisburg. T—Lemoyne.	WHP (Inc.)	500W 1KW-LS	1430	Shares with WBAK and WCAH.
WJAC	Johnstown	Johnstown Automobile Co	100W	1310	Shares with WFBG.
WGAL	Lancaster	WGAL (Inc.)	100W	1310	Shares with WRAW.
WKJC	do	Kirk Johnson & Co	100W	1200	Shares with WCOD.
WJBU	Lewisburg	Bucknell University	100W	1210	Shares with WBAX.
WLBW	Oil City	Radio-Wire Program Corporation of America.	500W 1KW-LS	1260	Unlimited.
WCAU	Philadelphia. T—Byberry.	Universal Broadcasting Co	10KW	1170	Do.
WELK	Philadelphia	WELK Broadcasting Station (Inc.)	100W 250W-LS	1370	Do.
WFAN	do	Keystone Broadcasting Co	500W	610	Shares with WIP.
WFI	do	Strawbridge and Clothier	500W	560	Shares with WLIT.
WHAT	do	Independence Broadcasting Co	100W	1310	Shares with WTEL.
WIP	do	Gimbel Brothers (Inc.)	500W	610	Shares with WFAN
WLIT	do	Lit Brothers	500W	560	Shares with WFI.

[39] C. P. to increase power to 250 watts—LS.

1927

BROADCASTING STATIONS, ALPHABETICALLY BY STATES AND CITIES—Continued

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operation
		PENNSYLVANIA—Continued			
WPEN	Philadelphia	Wm. Penn Broadcasting Co	100W / 250W–LS	1500	Unlimited.
WRAX	do	WRAX Broadcasting Co	250W	1020	Daytime.
WTEL	do	Foulkrod Radio Engineering Co	50W [30]	1310	Shares with WHAT.
KDKA	Pittsburgh. T—Saxonburg.	Westinghouse Electric & Manufacturing Co.	50KW–LP	980	Unlimited.
KQV	Pittsburgh	Doubleday-Hill Electric Co	500W	1380	Shares with WSMK at night.
WCAE	do	Kaufman & Baer Co	1KW	1220	Unlimited.
WJAS	Pittsburgh. T—North Fayette Township.	Pittsburgh Radio Supply House	1KW / 2½KW–LS	1290	Do.
WWSW	Pittsburgh	William S. Walker	100W	1500	Unlimited (C. P. only).
WRAW	Reading	Reading Broadcasting Co	50W [31]	1310	Shares with WGAL.
WGBI	Scranton	Scranton Broadcasters (Inc.)	250W	880	Shares with WQAN.
WQAN	do	E. J. Lynett, proprietor, The Scranton Times.	250W	880	Shares with WGBI.
WNBO	Silver Haven	John Brownlee Spriggs	100W	1200	Shares with WHBC on Sundays.
WPSC	State College	Pennsylvania State College	500W	1230	Daytime.
WBAX	Wilkes-Barre. T—Plains Township.	John H. Stenger, jr	100W	1210	Shares with WJBU.
WBRE	Wilkes-Barre	Louis G. Baltimore	100W	1310	Unlimited.
WRAK	Williamsport	Clarence R. Cummins	50W [32]	1370	Do.
		PORTO RICO			
WKAQ	San Juan	Radio Corporation of Porto Rico	500W	890	Unlimited.
		RHODE ISLAND			
WMBA	Newport	Leroy Joseph Beebe	100W	1500	Unlimited.
WPAW	Pawtucket	Shartenberg & Robinson Co	100W	1210	Shares with WDWF–WLSI.

WDWF-WLSI	Providence. T—Cranston.	Dutee W. Flint and The Lincoln Studios (Inc.).	100W	1210	Shares with WPAW.
WEAN	Providence	Shepard Broadcasting Service (Inc.)	250W 500W-LS	780	Unlimited.
WJAR	do	The Outlet Co	250W 400W-LS	890	Do.
		SOUTH CAROLINA			
WCSC	Charleston	Fred Jordon and Lewis Burk	500W	1360	Unlimited.
WIS	Columbia	South Carolina Broadcasting Co. (Inc.).	500W 1KW-LS	1010	Do.
WSPA	Spartanburg	Virgil V. Evans, trading as The Voice of South Carolina.	100W 250W-LS	1420	Do.
		SOUTH DAKOTA			
KFDY	Brookings	South Dakota State College	500W 1KW-LS	550	Shares with KFYR.
KGDY	Huron	Voice of South Dakota	100W	1200	Unlimited.
KGDA	Mitchell	Mitchell Broadcasting Corporation	100W	1370	Do.
KGFX	Pierre	Dana McNeil	200W	580	Daytime.
WCAT	Rapid City	South Dakota State School of Mines.	100W	1200	Unlimited.
KSOO	Sioux Falls	Sioux Falls Broadcast Association (Inc.).	2KW	1110	Limited.
KUSD	Vermillion	University of South Dakota	500W 750W-LS	890	Shares with KFNF and WILL.
KGCR	Watertown	Cutler's Radio Broadcasting Service (Inc.).	100W	1210	Unlimited.
WNAX	Yankton	The House of Gurney (Inc.)	1KW	570	Do.
		TENNESSEE			
WOPI	Bristol	Radiophone Broadcasting Station WOPI (Inc.).	100W	1500	Unlimited.
WDOD	Chattanooga. T—Brainerd.	WDOD Broadcasting Corporation	1KW 2½KW-LS	1280	Do.
WFBC	Knoxville	First Baptist Church	50W	1200	Do.

[10] C. P. to increase power to 100 watts.

[11] C. P. to increase power to 100 watts.

[12] C. P. to increase power to 100 watts.

1923

BROADCASTING STATIONS, ALPHABETICALLY BY STATES AND CITIES—Continued

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operation
		TENNESSEE—Continued			
WNOX	Knoxville	Sterchi Bros	1KW / 2KW-LS	560	Unlimited.
WROL	do	Stuart Broadcasting Corporation	100W	1310	Do.
WGBC	Memphis	Memphis Broadcasting Co	500W	1430	Shares with WNBR.
WHBQ	do	Broadcasting Station WHBQ (Inc.)	100W	1370	Unlimited.
WMC	Memphis. T—Bartlett	Paul Dillard and Enoch Brown jr., receivers	500W / 1KW-LS	780	Do.
WNBR	Memphis	Memphis Broadcasting Co	500W	1430	Shares with WGBC.
WREC-WOAN	Memphis. T—Whitehaven.	WREC (Inc.)	500W / 1KW-LS	600	Unlimited.
WLAC	Nashville	Life & Casualty Insurance Co. of Tennessee.	5KW	1470	Do.
WSM	do	National Life & Accident Insurance Co.	5KW	650	Do.
WSIX	Springfield	Jack M. and Louis R. Draughon, doing business as 638 Tire & Vulcanizing Co.	100W	1210	Do.
WOBT	Union City	A. F. Tittsworth, trading as Tittsworth Radio & Music Shop.	100W / 250W-LS	1310	Do.
		TEXAS			
KFYO	Abilene	T. E. Kirksey, trading as Kirksey Bros.	100W / 250W-LS	1420	Unlimited.
KGRS	Amarillo	E. B. Gish (Gish Radio Service)	1KW	1410	Shares with WDAG.
WDAG	do	National Radio & Broadcasting Corporation.	250W [33]	1410	Shares with KGRS.
KUT	Austin	Rice Hotel	100W	1500	Unlimited.
KFDM	Beaumont	Magnolia Petroleum Co	500W / 1KW-LS	560	Do.

KWWG	Brownsville	The Brownsville Herald Publishing Co.	500W	1260	Shares with KRGV.
KGKB	Brownwood	E. M., C. T., and E. E. Wilson doing business as Eagle Publishing Co.	100W	1500	Unlimited.
WTAW	College Station	Agricultural and Mechanical College of Texas.	500W	1120	Shares with KTRH.
KGFI	Corpus Christi	Eagle Broadcasting Co. (Inc.)	100W 250W–LS	1500	Unlimited.
KRLD	Dallas	KRLD Radio Corporation	10KW	1040	Shares with KTHS.
WFAA	Dallas. T—Grapevine	The Dallas News and Dallas Journal (A. H. Belo Corporation).	50KW–LP	800	Shares with WBAP.
WRR	Dallas	City of Dallas	500W	1280	Unlimited.
KFPL	Dublin	C. C. Baxter	100W	1310	Do.
KTSM	El Paso	W. S. Bledsoe and W. T. Blackwell	100W	1310	Shares with WDAH.
WDAH	do	E. E., C. T., E. M. and Ernest Wilson, doing business as Eagle Broadcasting Co.	100W	1310	Shares with KTSM.
KFJZ	Fort Worth	Margaret Meacham Hightower, Minnie Meacham Smith and Mary Meacham, executrices of the estate of H. C. Meacham, deceased.	100W	1370	Unlimited.
KTAT	Fort Worth. T—Birdsville.	S. A. T. Broadcast Co	1KW	1240	Shares with WACO.
WBAP	Fort Worth	Carter Publications (Inc.)	50KW–LP [34]	800	Shares with WFAA.
KFLX	Galveston	George Roy Clough	100W	1370	Unlimited.
KFUL	Galveston	Will H. Ford	500W	1290	Shares with KTSA.
KFPM	Greenville	Dave Ablowich, trading as The New Furniture Co.	15W	1310	Unlimited.
KRGV	Harlingen	KRGV (Inc.)	500W	1260	Shares with KWWG.
KPRC	Houston. T—Sugarland	Houston Printing Co	1KW 2½KW–LS	920	Unlimited.
KTLC	Houston	Houston Broadcasting Co	100W	1310	Do.
KTRH	do	Rice Hotel	500W	1120	Shares with WTAW.
KXYZ	do	Harris County Broadcast Co	100W	1420	Unlimited.
KGKL	San Angelo	KGKL (Inc.)	100W	1370	Do.

[33] C. P. to increase power to 1 KW.

[34] Licensed at present for 10 KW only.

BROADCASTING STATIONS, ALPHABETICALLY BY STATES AND CITIES—Continued

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operaton
		TEXAS—Continued			
KMAC	San Antonio	W. W. McAllister	100W	1370	Shares with KONO.
KONO	do	Mission Broadcasting Co	100W	1370	Shares with KMAC.
KTAP	do	Alamo Broadcasting Co. (Inc.)	100W	1420	Unlimited.
KTSA	do	Lone Star Broadcast Co. (Inc.)	1KW / 2KW-LS	1290	Shares with KFUL.
WOAI	San Antonio. T—Selma	Southern Equipment Co	50KW-LP	1190	Unlimited.
WACO	Waco	Central Texas Broadcasting Co. (Inc.).	1KW	1240	Shares with KTAT.
KGKO	Wichita Falls	Wichita Falls Broadcasting Co	250W / 500W-LS	570	Unlimited.
		UTAH			
KLO	Ogden	Peery Building Co	500W	1400	Unlimited.
KDYL	Salt Lake City	Intermountain Broadcasting Corporation.	1KW	1290	Do.
KSL	do	Radio Service Corporation of Utah	5KW	1130	Do.
		VERMONT			
WCAX	Burlington	University of Vermont	100W	1200	Shares with WNBX.
WSYB	Rutland	H. E. Seward, jr., and Philip Weiss, doing business as Seward and Weiss Music Co.	100W	1500	Unlimited.
WNBX	Springfield	First Congregational Church Corporation.	10W	1200	Shares with WCAX.
WQDM	St. Albans	A. J. St. Antoine	5W [35]	1370	Daytime.

VIRGINIA

WJSV	Alexandria. T—Mount Vernon Hills.	Independent Publishing Co.	10KW	1460	Unlimited.
WBTM	Danville	L. H., R. G., and A. S. Clarke, doing business as Clarke Electric Co.	100W	1370	Shares with WLVA.
WEHC	Emory	Emory and Henry College	100W 250W–LS.	1200	Unlimited.
WLVA	Lynchburg	Lynchburg Broadcasting Corporation.	100W	1370	Shares with WBTM.
WGH	Newport News	Hampton Roads Broadcasting Corporation.	100W	1310	Unlimited.
WTAR–WPOR	Norfolk	WTAR Radio Corporation	500W	780	Do.
WLBG	Petersburg. T—Ettrick	Robert Allen Gamble	100W 250W–LS	1200	Do.
WBBL	Richmond	Grace Covenant Presbyterian Church.	100W	1210	Certain hours, Sunday only.
WMBG	do	Havens and Martin (Inc.)	100W	1210	Unlimited, except Sunday, shares with WBBL.
WRVA	Richmond. T—Mechanicsville.	Larus and Brother Co. (Inc.)	5KW	1110	Unlimited.
WDBJ	Roanoke	Richardson-Wayland Electrical Corporation.	250W 500W–LS	930	Do.
WRBX	do	Richmond Development Corporation.	250W	1410	One-half time.

WASHINGTON

KXRO	Aberdeen	KXRO (Inc.)	75W [36]	1310	Unlimited.
KVOS	Bellingham	KVOS (Inc.)	100W	1200	Do.
KFBL	Everett	Otto Leese and Robert Leese, doing business as Leese Bros.	50W	1370	Shares with KVI.
KGY	Lacey	St. Martins College	10W	1200	Unlimited.
KWSC	Pullman	State College of Washington	1KW 2KW–LS	1220	Do.
KFQW	Seattle	KFQW (Inc.)	100W	1420	Do.

[35] C. P. to increase power to 100 watts

[36] C. P. to increase power to 100 watts.

F.R.27

BROADCASTING STATIONS, ALPHABETICALLY BY STATES AND CITIES—Continued

Call letters	Main studio location	Licensee	Power	Kilocycles	Time of operation
		WASHINGTON—Continued			
KJR	Seattle	Northwest Broadcasting System (Inc.).	5KW	970	Unlimited.
KOL	do	Seattle Broadcasting Co. (Inc.)	1KW	1270	Shares with KTW.
KOMO	do	Fisher's Blend Station (Inc.)	1KW	920	Unlimited.
KPCB	do	Queen City Broadcasting Co	100W	650	Limited.
KRSC	do	Radio Sales Corporation	50W	1120	Daytime.
KTW	do	First Presbyterian Church	1KW	1270	Shares with KOL.
KVL	do	KVL (Inc.)	100W	1370	Shares with KFBL.
KXA	do	American Radio Telephone Co	500W	570	Unlimited.
KFIO	Spokane	Spokane Broadcasting Corporation	100W	1120	Daytime.
KFPY	do	Symons Broadcasting Co	1KW	1340	Unlimited.
KGA	do	Northwest Broadcasting System (Inc.).	5KW	1470	Do.
KHQ	do	Louis Wasmer (Inc.)	1KW 2KW–LS	590	Do.
KMO	Tacoma	KMO (Inc.)	500W	860	Limited.
KVI	Tacoma. T—Des Moines	Puget Sound Broadcasting Co. (Inc.).	1KW	760	Do.
KUJ	Walla Walla	Paul R. Heitmeyer	100W	1370	One-half time (C. P. only).
KPQ	Wenatchee	Wescoast Broadcasting Co	50W	1500	Unlimited.
KIT	Yakima	Carl E. Haymond	50W	1310	Do.
		WEST VIRGINIA			
WHIS	Bluefield	Daily Telegraph Printing Co	100W [37]	1420	Unlimited.
WOBU	Charleston	WOBU (Inc.)	250W	580	Shares with WSAZ.
WMMN	Fairmont	Holt-Rowe Novelty Co	250W 500W–LS	890	Unlimited.
WSAZ	Huntington	WSAZ (Inc.)	250W	580	Shares with WOBU.
WWVA	Wheeling	West Virginia Broadcasting Corporation.	5KW	1160	Shares with WOWO.

		WISCONSIN			
WTAQ	Eau Claire. T—Township of Washington.	Gillette Rubber Co	1KW	1330	Shares with KSCJ.
KFIZ	Fond du Lac	The Reporter Printing Co	100W	1420	Unlimited.
WHBY	Green Bay. T—West De Pere.	St. Norbert College	100W	1200	Do.
WCLO	Janesville	WCLO Radio Corporation	100W	1200	Do.
WKBH	La Crosse	WKBH (Inc.)	1KW	1380	Shares with KSO.
WHA	Madison	University of Wisconsin	750W	940	Daytime.
WIBA	do	The Capital Times Co	500W	1280	Unlimited.
WOMT	Manitowoc	Francis M. Kadow	100W	1210	Do.
WHAD	Milwaukee	Marquette University	250W	1120	Shares with WISN.
WISN	do	Evening Wisconsin Co	250W	1120	Shares with WHAD.
WTMJ	Milwaukee. T—Brookfield	The Journal Co. (Milwaukee Journal).	1KW / 2½KW-LS	620	Unlimited.
WIBU	Poynette	Wm. C. Forrest	100W	1210	Do.
WRJN	Racine	Racine Broadcasting Corporation	100W	1370	Do.
WHBL	Sheboygan	Press Publishing Co	500W	1410	Shares with KFLV.
WISJ	South Madison	The Wisconsin State Journal Broadcasting Co.	250W / 500W-LS	780[38]	Unlimited.
WLBL	Stevens Point	State of Wisconsin, Department of Agriculture and Markets.	2KW	900	Daytime.
WEBC	Superior	Head of the Lakes Broadcasting Co	1KW / 2½KW-LS	1290	Unlimited.
		WYOMING			
KDFN	Casper	Donald Lewis Hathaway	100W	1210	Do.

[37] C. P. to increase power to 250 watts, to change frequency to 1410 kilocycles, and to operate one-half time.

[38] Experimentally.

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BROADCASTING STATIONS BY FREQUENCIES

550 KILOCYCLES

Call letters	Main studio location	Licensee	Power	Time of operation
WGR	Buffalo, N. Y. T—Amherst, N. Y.	Buffalo Broadcasting Corporation	1KW	Unlimited.
WKRC	Cincinnati, Ohio	WKRC (Inc.)	1KW	Do.
KFUO	Clayton, Mo	Evangelical Lutheran Synod of Missouri, Ohio, and other States, Rev. R. Kretzschmar, chairman Board of Control of Concordia Seminary.	500W 1KW–LS	Shares with KSD.
KSD	St. Louis, Mo	Pulitzer Publishing Co	500W	Shares with KFUO.
KFDY	Brookings, S. Dak	South Dakota State College	500 W 1KW–LS	Shares with KFYR.
KFYR	Bismarck, N. Dak	Meyer Broadcasting Co	1KW 2½KW–LS[1]	Shares with KFDY.
KOAC	Corvallis, Oreg	Oregon State Agricultural College	1KW	Unlimited.

560 KILOCYCLES

Call letters	Main studio location	Licensee	Power	Time of operation
WLIT	Philadelphia, Pa	Lit Bros	500W	Shares with WFI.
WFI	do	Strawbridge & Clothier	500W	Shares with WLIT.
WQAM	Miami, Fla	Miami Broadcasting Co	1KW	Unlimited.
KFDM	Beaumont, Tex	Magnolia Petroleum Co	500W 1KW–LS	Do.
WNOX	Knoxville, Tenn	Sterchi Bros	1KW 2KW–LS	Do.
WIBO	Chicago, Ill. T—Des Plaines, Ill.	Nelson Bros. Bond & Mortgage Co	1KW 1½KW–LS	Shares with WPCC and WISJ.[2]
WPCC	Chicago, Ill	North Shore Church	500W	Shares with WIBO and WISJ.[2]
KLZ	Denver, Colo	Reynolds Radio Co. (Inc.)	1KW	Unlimited.
KTAB	San Francisco, Calif. T—Oakland, Calif.	The Associated Broadcasters (Inc.)	1KW	Do.

570 KILOCYCLES

WNYC	New York, N. Y	City of New York, Department of Plant and Structures.	500W	Shares with WMCA.
WMCA	New York, N. Y. T—Hoboken, N. J.	Knickerbocker Broadcasting Co. (Inc.)	500W	Shares with WNYC.
WSYR–WMAC	Syracuse, N. Y	Clive B. Meredith	250W	Unlimited.
WKBN	Youngstown, Ohio	W. P. Williamson, jr	500W	Shares with WEAO.
WEAO	Columbus, Ohio	Ohio State University	750W	Shares with WKBN.
WWNC	Asheville, N. C	Citizen Broadcasting Co. (Inc.)	1KW	Unlimited.
KGKO	Wichita Falls, Tex	Wichita Falls Broadcasting Co	250W 500W–LS	Do.
WNAX	Yankton, S. Dak	The House of Gurney (Inc.)	1KW	Do.
KXA	Seattle, Wash	American Radio Telephone Co	500W	Do.
KMTR	Los Angeles, Calif	KMTR Radio Corporation	500W	Do.

580 KILOCYCLES (Canadian Shared)

WTAG	Worcester, Mass	Worcester Telegram Publishing Co. (Inc.)	250W	Unlimited.
WOBU	Charleston, W. Va	WOBU (Inc.)	250W	Shares with WSAZ.
WSAZ	Huntington, W. Va	WSAZ (Inc.)	250W	Shares with WOBU.
KGFX	Pierre, S. Dak	Dana McNeil	200W	Daytime.
WIBW	Topeka, Kans	Topeka Broadcasting Association (Inc.)	1KW [3]	Shares with KSAC.
KSAC	Manhattan, Kans	Kansas State Agricultural College	500W 1KW–LS	Shares with WIBW.

590 KILOCYCLES

WEEI	Boston, Mass. T—Weymouth, Mass.	Edison Electric Illuminating Co. of Boston.	1KW	Unlimited.
WKZO	Berrien Springs, Mich	WKZO (Inc.)	1KW	Daytime.
WCAJ	Lincoln, Nebr	Nebraska Wesleyan University	500W [4]	Shares with WOW.

[1] Experimentally.
[2] WISJ temporarily operating on 780 kilocycles.
[3] Experimentally.
[4] C. P. to decrease power to 250 watts.

1931

BROADCASTING STATIONS BY FREQUENCIES—Continued

590 KILOCYCLES—Continued

Call letters	Main studio location	Licensee	Power	Time of operation
WOW	Omaha, Nebr	Woodman of the World Life Insurance Association.	1KW	Shares with WCAJ.
KHQ	Spokane, Wash	Louis Wasmer (Inc.)	1KW 2KW–LS	Unlimited.

600 KILOCYCLES (Canadian Shared)

Call letters	Main studio location	Licensee	Power	Time of operation
WCAC	Storrs, Conn	Connecticut Agricultural College	250W	Shares with WGBS.
WCAO	Baltimore, Md	Monumental Radio (Inc.)	250W	Unlimited.
WGBS	New York, N. Y. T—Astoria, L. I., N. Y.	General Broadcasting System (Inc.)	250W 500W–LS[5]	Shares with WCAC.
WREC–WOAN	Memphis, Tenn. T—Whitehaven, Tenn.	WREC (Inc.)	500W 1KW–LS	Unlimited.
WMT	Waterloo, Iowa	Waterloo Broadcasting Co	500W	Do.
KFSD	San Diego, Calif	Airfan Radio Corporation (Ltd.)	500W 1KW–LS	Do.

610 KILOCYCLES

Call letters	Main studio location	Licensee	Power	Time of operation
WJAY	Cleveland, Ohio	Cleveland Radio Broadcasting Corporation.	500W	Daytime.
WFAN	Philadelphia, Pa	Keystone Broadcasting Co	500W	Shares with WIP.
WIP	do	Gimble Brothers (Inc.)	500W	Shares with WFAN.
WDAF	Kansas City, Mo	Kansas City Star Co	1KW	Unlimited.
KFRC	San Francisco, Calif	Don Lee (Inc.)	1KW	Do.

620 KILOCYCLES

WLBZ	Bangor, Me	Maine Broadcasting Co. (Inc.)	500W	Unlimited.
WFLA–WSUN	Clearwater, Fla	Clearwater Chamber of Commerce and St. Petersburg Chamber of Commerce.	1KW 2½KW–LS	Do.
WTMJ	Milwaukee, Wis. T—Brookfield, Wis.	The Journal Co. (Milwaukee Journal)	1KW 2½KW–LS	Do.
KGW	Portland, Oreg	Oregonian Publishing Co	1KW	Do.
KTAR	Phoenix, Ariz	KTAR Broadcasting Co	500W 1KW–LS	Do.

630 KILOCYCLES (Canadian Shared)

WMAL	Washington, D. C	M. A. Leese	250W 500W–LS	Unlimited.
WOS	Jefferson City, Mo	Missouri State Marketing Bureau	500W	Shares with WGBF and KFRU.
KFRU	Columbia, Mo	Stephens College	500W	Shares with WOS and WGBF.
WGBF	Evansville, Ind	Evansville on the Air (Inc.)	500W	Shares with WOS and KFRU.

640 KILOCYCLES

WAIU	Columbus, Ohio	American Insurance Union	500W	Limited.
WOI	Ames, Iowa	Iowa State College of Agriculture and Mechanic Arts.	5KW	Daytime.
KFI	Los Angeles, Calif.[6]	Earle C. Anthony (Inc.)	5KW	Unlimited.

[1] Experimentally.

[6] C. P. to move transmitter to Buena Park and increase power to 50KW–LP.

1933

BROADCASTING STATIONS BY FREQUENCIES—Continued

650 KILOCYCLES

Call letters	Main studio location	Licensee	Power	Time of operation
WSM	Nashville, Tenn	National Life & Accident Insurance Co	5KW	Unlimited.
KPCB	Seattle, Wash	Queen City Broadcasting Co	100W	Limited.

660 KILOCYCLES

Call letters	Main studio location	Licensee	Power	Time of operation
WEAF	New York, N. Y. T—Bellmore, N. Y.	National Broadcasting Co. (Inc.)	50KW-LP	Unlimited.
WAAW	Omaha, Nebr	Omaha Grain Exchange	500W	Daytime.

670 KILOCYCLES

Call letters	Main studio location	Licensee	Power	Time of operation
WMAQ	Chicago, Ill. T—Addison, Ill.	WMAQ (Inc.)	5KW	Unlimited.

680 KILOCYCLES

Call letters	Main studio location	Licensee	Power	Time of operation
WPTF	Raleigh, N. C	Durham Life Insurance Co	1KW	Limited.
KFEQ	St. Joseph, Mo	Scroggin & Co. Bank	2½KW	Daytime.
KPO	San Francisco, Calif	Hale Bros. Stores (Inc.), and the Chronicle Publishing Co.	5KW	Unlimited.

690 KILOCYCLES (Canadian Exclusive)

700 KILOCYCLES

WLW	Cincinnati, Ohio. T—Mason, Ohio.	Crosley Radio Corporation	50KW-LP	Unlimited.

710 KILOCYCLES

WOR	Newark, N. J. T—Kearny, N. J.	Bamberger Broadcasting Service (Inc.)	5KW	Unlimited.
KMPC	Beverly Hills, Calif	R. S. MacMillan	500W	Limited.

720 KILOCYCLES

WGN-WLIB	Chicago, Ill. T—Elgin, Ill.	The Tribune Co	25KW	Unlimited.

730 KILOCYCLES (Canadian Exclusive)

740 KILOCYCLES

WSB	Atlanta, Ga	Atlanta Journal Co	5KW	Unlimited.
KMMJ	Clay Center, Nebr	The M. M. Johnson Co	1KW	Limited.

750 KILOCYCLES

WJR	Detroit, Mich. T—Sylvan Lake Village, Mich.	WJR, The Goodwill Station (Inc.)	5KW	Unlimited.

BROADCASTING STATIONS BY FREQUENCIES—Continued

760 KILOCYCLES

Call letters	Main studio location	Licensee	Power	Time of operation
WJZ	New York, N. Y. T—Boundbrook, N. J.	National Broadcasting Co. (Inc.)	30KW-LP	Unlimited.
WEW	St. Louis, Mo	St. Louis University	1KW	Daytime.
KVI	Tacoma, Wash. T—Des Moines, Wash.	Puget Sound Broadcasting Co. (Inc.)	1KW	Limited.

770 KILOCYCLES

KFAB	Lincoln, Nebr	KFAB Broadcasting Co	5KW	Shares with WBBM-WJBT.
WBBM-WJBT	Chicago, Ill. T—Glenview, Ill.	The Atlass Co. (Inc.)	25KW	Shares with KFAB.

780 KILOCYCLES (Canadian Shared)

WEAN	Providence, R. I	Shepard Broadcasting Service (Inc.)	250W 500W-LS	Unlimited.
WTAR-WPOR	Norfolk, Va	WTAR Radio Corporation	500W	Do.
WMC	Memphis, Tenn. T—Bartlett, Tenn.	Paul Dillard and Enoch Brown, jr., receivers.	500W 1KW-LS	Do.
WISJ	South Madison, Wis	The Wisconsin State Journal Co.	250W 500W-LS	Do.
KELW	Burbank, Calif	Union Bank and Trust Co. of Los Angeles, guardian of estate of Earl L. White.	500W	Shares with KTM.
KTM	Los Angeles, Calif. T—Santa Monica, Calif.	Pickwick Broadcasting Corporation	500W 1KW-LS	Shares with KELW.

790 KILOCYCLES

WGY	Schenectady, N. Y. T—South Schenectady, N. Y.	General Electric Co.	50KW	Unlimited.
KGO	San Francisco, Calif. T—Oakland, Calif.	National Broadcasting Co. (Inc.)	7½KW	Do.

800 KILOCYCLES

WBAP	Fort Worth, Tex.	Carter Publications (Inc.)	50KW–LP[6]	Shares with WFAA.
WFAA	Dallas, Tex. T—Grapevine, Tex.	Dallas News and Dallas Journal A. H. Belo Corporation.	50KW–LP	Shares with WBAP.

810 KILOCYCLES

WPCH	New York, N. Y. T—Hoboken, N. J.	Eastern Broadcasters (Inc.)	500W	Daytime.
WCCO	Minneapolis, Minn. T—Anoka, Minn.	Northwestern Broadcasting (Inc.)	7½KW	Unlimited.

820 KILOCYCLES

WHAS	Louisville, Ky. T—Jeffersontown, Ky.	The Courier Journal Co. and The Louisville Times Co.	10KW	Unlimited.

[6] Licensed at present for 10 KW only.

[7] Experimentally on 780 kilocycles.

BROADCASTING STATIONS BY FREQUENCIES—Continued

830 KILOCYCLES

Call letters	Main studio location	Licensee	Power	Time of operation
WHDH	Boston, Mass. T—Gloucester, Mass.	Matheson Radio Co. (Inc.)	1KW	Daytime until sunset at Denver, Colo.
WRUF	Gainesville, Fla	University of Florida	5KW	Limited.
KOA	Denver, Colo	National Broadcasting Co. (Inc.)	12½KW	Unlimited.

840 KILOCYCLES (Canadian Exclusive)

850 KILOCYCLES

KWKH	Shreveport, La. T—Kennonwood, La.	Hello World Broadcasting Corporation	10KW	Shares with WWL.
WWL	New Orleans, La	Loyola University	5KW	Shares with KWKH.

860 KILOCYCLES

WABC-WBOQ	New York, N. Y. T—West of Cross Bay Blvd. Queens Co., N. Y.	Atlantic Broadcasting Corporation	5KW	Unlimited.
WHB	Kansas City, Mo. T—North Kansas City, Mo.	WHB Broadcasting Co	500W	Daytime.
KMO	Tacoma, Wash	KMO (Inc.)	500W	Limited.

870 KILOCYCLES

WLS	Chicago, Ill. T—Crete, Ill.	Agricultural Broadcasting Co	5KW [10]	Shares with WENR–WBCN.
WENR–WBCN	Chicago, Ill. T—Downers Grove, Ill.	Great Lakes Broadcasting Co	50 KW–LP	Shares with WLS.

880 KILOCYCLES (Canadian Shared)

WGBI	Scranton, Pa	Scranton Broadcasters (Inc.)	250W	Shares with WQAN.
WQAN	do	E. J. Lynett, prop. the Scranton Times	250W	Shares with WGBI.
WCOC	Meridian, Miss	Mississippi Broadcasting Co. (Inc.)	500W 1 KW–LS	Unlimited.
WSUI	Iowa City, Iowa	State University of Iowa	500W	Three-sevenths time.
KLX	Oakland, Calif	The Tribune Publishing Co	500W	Unlimited.
KPOF	Denver, Colo	Pillar of Fire	500W	Shares with KFKA.
KFKA	Greeley, Colo	The Mid-Western Radio Corporation	500W 1 KW–LS	Shares with KPOF.

890 KILOCYCLES (Canadian Shared)

WJAR	Providence, R. I	The Outlet Co	250W 400W–LS	Unlimited.
WKAQ	San Juan, P. R	Radio Corporation of Porto Rico	500W	Do.
WMMN	Fairmont, W. Va	Holt-Rowe Novelty Co	250W 500W–LS	Do.
WMAZ	Macon, Ga	Macon Junior Chamber of Commerce	250W 500W–LS	Shares with WGST.
WGST	Atlanta, Ga	Georgia School of Technology	250W 500W–LS	Shares with WMAZ.
KGJF	Little Rock, Ark	First Church of the Nazarene	250W	Unlimited.

[9] C. P. to move transmitter to Wayne, N. J., and increase power to 50 KW–LP.

[10] C. P. to increase power to 50 KW–LP.

1939

BROADCASTING STATIONS BY FREQUENCIES—Continued

890 KILOCYCLES (Canadian Shared)—Continued

Call letters	Main studio location	Licensee	Power	Time of operation
WILL	Urbana, Ill	University of Illinois	250W 500W-LS	Shares with KUSD and KFNF.
KUSD	Vermillion, S. Dak	University of South Dakota	500W 750W-LS	Shares with WILL and KFNF.
KFNF	Shenandoah, Iowa	Henry Field Co	500W 1KW-LS	Shares with WILL and KUSD.

900 KILOCYCLES

WBEN	Buffalo, N. Y. T—Martinsville, N. Y.	Edward H. Butler, trustee for Ada Butler Mitchell and Edward H. Butler, trading as Buffalo Evening News.	1KW	Unlimited.
WKY	Oklahoma City, Okla	WKY Radiophone Co	1KW	Do.
WJAX	Jacksonville, Fla	City of Jacksonville	1KW	Do.
WLBL	Stevens Point, Wis	State of Wisconsin, Department of Agriculture and Markets.	2KW	Daytime.
KHJ	Los Angeles, Calif	Don Lee (Inc.)	1KW	Unlimited.
KSEI	Pocatello, Idaho	KSEI Broadcasting Association (Inc.)	250W	Do.
KGBU	Ketchikan, Alaska	Alaska Radio and Service Co. (Inc.)	500W	Do.

910 KILOCYCLES (Canadian Exclusive)

920 KILOCYCLES

WBSO	Needham, Mass	Babson's Statistical Organization (Inc.)	500W	Daytime.
WWJ	Detroit, Mich	The Evening News Association (Inc.)	1KW	Unlimited.
KPRC	Houston, Tex. T—Sugarland, Tex.	Houston Printing Co	1KW 2½KW-LS	Do.
WAAF	Chicago, Ill	Drovers Journal Publishing Co	500W	Daytime.

KOMO	Seattle, Wash	Fisher's Blend Station (Inc.)	1KW	Unlimited.
KFEL	Denver, Colo.[11]	Eugene P. O'Fallon (Inc.)	500W	Shares with KFXF.
KFXF	Denver, Colo	Colorado Radio Corporation	500W	Shares with KFEL.

930 KILOCYCLES (Canadian Shared)

WIBG	Elkins Park, Pa	St. Paul's P. E. Church	50W	Daytime.
WDBJ	Roanoke, Va	Richardson-Wayland Electrical Corporation.	250W 500W–LS	Unlimited.
WBRC	Birmingham, Ala	Birmingham Broadcasting Co. (Inc.)	500W 1KW–LS	Do.
KGBZ	York, Nebr	Dr. George R. Miller	500W 1KW–LS	Shares with KMA.
KMA	Shenandoah, Iowa	May Seed and Nursery Co	500W 1KW–LS	Shares with KGBZ.
KFWI	San Francisco, Calif	Radio Entertainments (Inc.)	500W	Shares with KROW.
KROW	Oakland, Calif. T—Richmond, Calif.	Educational Broadcasting Corporation	500W 1KW–LS	Shares with KFWI.

940 KILOCYCLES

WAAT	Jersey City, N. J	Bremer Broadcasting Corporation	300W	Daytime until 6 p. m. eastern standard time.
WCSH	Portland, Me. T—Scarboro, Me.	Congress Square Hotel Co	1KW	Unlimited.
WFIW	Hopkinsville, Ky	WFIW (Inc.)	1KW	Do.
WHA	Madison, Wis	University of Wisconsin	750W	Daytime.
WDAY	Fargo, N. Dak. T—West Fargo, N. Dak.	WDAY (Inc.)	1KW	Unlimited.
KOIN	Portland, Oreg. T—Sylvan, Oreg.	KOIN (Inc.)	1KW	Do.
KGU	Honolulu, Hawaii	Marion A. Mulrony and Advertiser Publishing Co. (Ltd.).	1KW	Do.

[11] C. P. to move transmitter to Edgewater, Colo.

BROADCASTING STATIONS BY FREQUENCIES—Continued

950 KILOCYCLES

Call letters	Main studio location	Licensee	Power	Time of operation
WRC	Washington, D. C	National Broadcasting Co. (Inc.)	500W	Unlimited.
KMBC	Kansas City, Mo. T—Independence, Mo.	Midland Broadcasting Co	1KW	Do.
KFWB	Hollywood, Calif	Warner Bros. Broadcasting Corporation	1KW	Do.
KGHL	Billings, Mont	Northwestern Auto Supply Co. (Inc.)	1KW	Do.

960 KILOCYCLES (Canadian Exclusive)

970 KILOCYCLES

Call letters	Main studio location	Licensee	Power	Time of operation
WCFL	Chicago, Ill	Chicago Federation of Labor	1½ KW	Limited.
KJR	Seattle, Wash	Northwest Broadcasting System (Inc.)	5KW	Unlimited.

980 KILOCYLCES

Call letters	Main studio location	Licensee	Power	Time of operation
KDKA	Pittsburgh, Pa. T—Saxonburg, Pa.	Westinghouse Electric & Manufacturing Co.	50KW-LP	Unlimited.

990 KILOCYCLES

Call letters	Main studio location	Licensee	Power	Time of operation
WBZ	Springfield, Mass. T—East Springfield, Mass.[12]	Westinghouse Electric & Manufacturing Co.	15KW	Shares with WBZA.
WBZA	Boston, Mass.[12]	do	500W	Shares with WBZ.

1000 KILOCYCLES

WHO	Des Moines, Iowa	Central Broadcasting Co	5KW	Synchronizes with WOC experimentally.
WOC	Davenport, Iowa	do	5KW	Synchronizes with WHO experimentally.
KFVD	Culver City, Calif	Los Angeles Broadcasting Co	250W	Limited.

1010 KILOCYCLES (Canadian Shared)

WQAO–WPAP	New York, N. Y. T—Cliffside, N. J.	Calvary Baptist Church	250W	Shares with WHN and WRNY.
WHN	New York, N. Y.	Marcus Loew Booking Agency	250W	Shares with WQAO–WPAP and WRNY.
WRNY	New York, N. Y. T—Coytesville, N. J.	Aviation Radio Station (Inc.)	250W	Shares with WQAO–WPAP and WHN.
KGGF	South Coffeyville, Okla	Hugh J. Powell and Stanley Platz, doing business as Powell & Platz.	500W	Shares with WNAD.
WNAD	Norman, Okla	University of Oklahoma	500W	Shares with KGGF.
WIS	Columbia, S. C	South Carolina Broadcasting Co. (Inc.)	500W 1KW–LS	Unlimited.
KQW	San Jose, Calif	Pacific Agricultural Foundation (Ltd.)	500W	Do.

1020 KILOCYCLES

WRAX	Philadelphia, Pa	WRAX Broadcasting Co	250W	Daytime.
KYW–KFKX	Chicago, Ill. T—Bloomingdale Township, Ill.	Westinghouse Electric & Manufacturing Co.	10KW	Unlimited.

1030 KILOCYCLES (Canadian Exclusive)

[12] C. P. to move transmitter to Millis Township, Mass. and studio to Boston, Mass. and consolidate with WBZA.
[13] C. P. to move transmitter to East Springfield and increase power to 1KW.

BROADCASTING STATIONS BY FREQUENCIES—Continued

1040 KILOCYCLES

Call letters	Main studio location	Licensee	Power	Time of operation
WMAK	Buffalo, N. Y. T—Grand Island, N. Y.[14]	Buffalo Broadcasting Corporation	1KW	Limited.
WKAR	East Lansing, Mich	Michigan State College	1KW	Daytime.
KTHS	Hot Springs National Park, Ark.	Hot Springs Chamber of Commerce	10KW	Shares with KRLD.
KRLD	Dallas, Tex	KRLD Radio Corporation	10KW	Shares with KTHS.

1050 KILOCYCLES

Call letters	Main studio location	Licensee	Power	Time of operation
KFKB	Milford, Kans	The KFKB Broadcasting Association (Inc.).	5KW	Limited.
KNX	Hollywood, Calif. T—Los Angeles, Calif.	Western Broadcast Co	5KW[15]	Unlimited.

1060 KILOCYCLES

Call letters	Main studio location	Licensee	Power	Time of operation
WBAL	Baltimore, Md. T—Glen Morris, Md.	Consolidated Gas Electric Light & Power Company of Baltimore.	10KW	Shares with WTIC.
WTIC	Hartford, Conn. T—Avon, Conn.	Travelers Broadcasting Service Corporation.	50KW-LP	Shares with WBAL.
WJAG	Norfolk, Nebr	Norfolk Daily News	1KW	Limited.
KWJJ	Portland, Oreg	KWJJ Broadcast Co. (Inc.)	500W	Do.

1044

1070 KILOCYCLES

WTAM	Cleveland, Ohio, T—Brecksville Village, Ohio.	National Broadcasting Co. (Inc.)	50KW–LP	Unlimited.
WCAZ	Carthage, Ill	Superior Broadcasting Service (Inc.)	50W	Daytime.
WDZ	Tuscola, Ill	James L. Bush	100W	Do.
KJBS	San Francisco, Calif	Julius Brunton & Sons Co	100W	12.01 a. m. to local sunset.

1080 KILOCYCLES

WBT	Charlotte, N. C	Station WBT (Inc.)	5KW	Unlimited.
WCBD	Zion, Ill	Wilbur Glenn Voliva	5KW	Limited. Shares with WMBI.
WMBI	Chicago, Ill. T—Addison, Ill.	The Moody Bible Institute Radio Station	5KW	Limited. Shares with WCBD.

1090 KILOCYCLES

KMOX	St. Louis, Mo	Voice of St. Louis (Inc.)	50KW–LP	Unlimited.

1100 KILOCYCLES

WPG	Atlantic City, N. J	WPG Broadcasting Corporation	5KW	Shares with WLWL.
WLWL	New York, N. Y. T—Kearny, N. J.	Missionary Society of St. Paul the Apostle	5KW	Shares with WPG.
KGDM	Stockton, Calif	E. F. Peffer	250W	Daytime.

[14] C. P. to move transmitter to Amherst, N. Y.

[15] C. P. to increase power to 50 KW-LP.

BROADCASTING STATIONS BY FREQUENCIES—Continued

1110 KILOCYCLES

Call letters	Main studio location	Licensee	Power	Time of operation
WRVA	Richmond, Va. T—Mechanicsville, Va.	Larus & Brother Co. (Inc.)	5KW	Unlimited.
KSOO	Sioux Falls, S. Dak	Sioux Falls Broadcast Association (Inc.)	2KW	Limited.

1120 KILOCYCLES (Canadian Shared)

Call letters	Main studio location	Licensee	Power	Time of operation
WDEL	Wilmington, Del	WDEL (Inc.)	250W 350W–LS[16]	Unlimited.
WDBO	Orlando, Fla	Orlando Broadcasting Co. (Inc.)	500W 1KW–LS	One-half time.
WTAW	College Station, Tex	Agricultural and Mechanical College of Texas.	500W	Shares with KTRH.
KTRH	Houston, Tex	Rice Hotel	500W	Shares with WTAW.
WISN	Milwaukee, Wis	Evening Wisconsin Co	250W	Shares with WHAD.
WHAD	----do	Marquette University	250W	Shares with WISN.
KFSG	Los Angeles, Calif	Echo Park Evangelistic Association	500W	Shares with KMCS.
KMCS	Inglewood, Calif	Dalton's (Inc.)	500W	Shares with KFSG.
KRSC	Seattle, Wash	Radio Sales Corporation	50W	Daytime.
KFIO	Spokane, Wash	Spokane Broadcasting Corporation	100W	Do.

1130 KILOCYCLES

Call letters	Main studio location	Licensee	Power	Time of operation
WOV	New York City. T—Secaucus, N. J.	International Broadcasting Corporation	1KW	Daytime until 6 p. m.
WJJD	Mooseheart, Ill	Supreme Lodge of the World, Loyal Order of Moose.	20KW	Limited.
KSL	Salt Lake City, Utah	Radio Service Corporation of Utah	5KW	Unlimited.

1140 KILOCYCLES

WAPI	Birmingham, Ala	Alabama Polytechnic Institute, University of Alabama and Alabama College.	5KW	Shares with KVOO.
KVOO	Tulsa, Okla	Southwestern Sales Corporation	5KW	Shares with WAPI.

1150 KILOCYCLES

WHAM	Rochester, N. Y. T—Victor Township, N. Y.	Stromberg-Carlson Telephone Manufacturing Co.	5KW	Unlimited.

1160 KILOCYCLES

WWVA	Wheeling, W. Va	West Virginia Broadcasting Corporation	5KW	Shares with WOWO.
WOWO	Fort Wayne, Ind	Main Auto Supply Co	10KW	Shares with WWVA.

1170 KILOCYCLES

WCAU	Philadelphia, Pa. T—Byberry, Pa.	Universal Broadcasting Co	10KW	Unlimited.
KTNT	Muscatine, Iowa	Norman Baker	5KW	Limited.

1180 KILOCYCLES

WDGY	Minneapolis, Minn	Dr. George W. Young	1KW	Limited. Shares with WHDI.
WHDI	do	William Hood Dunwoody Industrial Institute.	500W	Limited. Shares with WDGY.
KEX	Portland, Oreg	Western Broadcasting Co	5KW	Shares with KOB.
KOB	State College, N. Mex	New Mexico College of Agriculture and Mechanic Arts.	20KW	Shares with KEX.

[4] C. P. to increase power to 500 Watts-LS.

BROADCASTING STATIONS BY FREQUENCIES—Continued

1190 KILOCYCLES

Call letters	Main studio location	Licensee	Power	Time of operation
WICC	Bridgeport, Conn. T—Easton, Conn.	Bridgeport Broadcasting Station (Inc.)	500W	Daytime.
WOAI	San Antonio, Tex. T—Selma, Tex.	Southern Equipment Co	50KW-LP	Unlimited.

1200 KILOCYCLES (Canadian Shared)

WABI	Bangor, Me	Pine Tree Broadcasting Corporation	100W	Unlimited.
WNBX	Springfield, Vt	First Congregational Church Corporation.	10W	Shares with WCAX.
WCAX	Burlington, Vt	University of Vermont	100W	Shares with WNBX.
WORC-WEPS	Worcester, Mass. T—Auburn, Mass.	Albert Frank Kleindienst	100W	Unlimited.
WIBX	Utica, N. Y	WIBX (Inc.)	100W 300W-LS	Do.
WFBE	Cincinnati, Ohio	Radio Station WFBE (Inc.)	100W 250W-LS	Do.
WHBC	Canton, Ohio	St. John's Catholic Church	10W	Shares with WNBO Sundays.
WLAP	Louisville, Ky	American Broadcasting Corporation of Kentucky.	100W 250W-LS	Unlimited.
WEHC	Emory, Va	Emory and Henry College	100W 250W-LS	Do.
WLBG	Petersburg, Va. T—Ettrick, Va.	Robert Allen Gamble	100W 250W-LS	Do.
WNBO	Silver Haven, Pa	John Brownlee Spriggs	100W	Shares with WHBC Sundays.
WCOD	Harrisburg, Pa	Keystone Broadcasting Corporation	100W	Shares with WKJC.
WKJC	Lancaster, Pa	Kirk Johnson & Co	100W	Shares with WCOD.
WNBW	Carbondale, Pa	C. F. Schiessler and M. E. Stephens, doing business as Home Cut Glass & China Co.	10W	Unlimited.

KMLB	Monroe, La	J. C. Liner	50W	Daytime.
WABZ	New Orleans, La	Coliseum Place Baptist Church	100W	Shares with WJBW.
WJBW	do	C. Carlson	30W[17]	Shares with WABZ.
WBBZ	Ponca City, Okla	C. L. Carrell	100W	Unlimited.
WFBC	Knoxville, Tenn	First Baptist Church	50W	Do.
WRBL	Columbus, Ga	David Parmer	50W	Do.
KGHI	Little Rock, Ark	Berean Bible Class, First Baptist Church	100W	Do.
KBTM	Paragould, Ark	W. J. Beard, Beard's Temple of Music	100W	Daytime.
WJBC	La Salle, Ill	Wayne Hummer & H. J. Dee, doing business as Kaskaskia Broadcasting Co.	100W	Shares with WJBL.
WJBL	Decatur, Ill	Commodore Broadcasting (Inc.)	100W	Shares with WJBC.
WWAE	Hammond, Ill	Hammond-Calumet Broadcasting Corporation.	100W	Shares with WRAF.
WRAF	Laporte, Ind	Charles Middleton	100W	Shares with WWAE.
KFJB	Marshalltown, Iowa	Marshall Electric Co. (Inc.)	100W 250W–LS	One-half time.
KGCU	Mandan, N. Dak	Mandan Radio Association	100W	Unlimited.
WCAT	Rapid City, S. Dak	South Dakota State School of Mines	100W	Do.
KGDY	Huron, S. Dak	Voice of South Dakota	100W	Do.
KFWF	St. Louis, Mo	St. Louis Truth Center (Inc.)	100W	Shares with WIL.
KGDE	Fergus Falls, Minn	C. L. Jaren	100W 250W–LS	Unlimited.
WCLO	Janesville, Wis	WCLO Radio Corporation	100W	Do.
WHBY	Green Bay, Wis. T—West De Pere, Wis.	St. Norbert College	100W	Do.
WIL	St. Louis, Mo	Missouri Broadcasting Corporation	100W 250W–LS	Shares with KFWF.
KGFJ	Los Angeles, Calif	Ben S. McGlashan	100W	Unlimited.
KSMR	Santa Maria, Calif	Santa Maria Radio	100W	Do.
KWG	Stockton, Calif	Portable Wireless Telephone Co. (Inc.)	100W	Do.
KGEK	Yuma, Colo	Elmer C. Beehler, trading as Beehler Electrical Equipment Co.	50W	Shares with KGEW.
KGEW	Fort Morgan, Colo	City of Fort Morgan	100W	Shares with KGEK.
KVOS	Bellingham, Wash	KVOS (Inc.)	100W	Unlimited.
KGY	Lacey, Wash	St. Martin's College	10W	Do.

[17] C. P. to increase power to 100 watts.

BROADCASTING STATIONS BY FREQUENCIES—Continued

1210 KILOCYCLES (Canadian Shared)

Call letters	Main studio location	Licensee	Power	Time of operation
WMRJ	Jamaica, N. Y.	Peter J. Prinz	100W	Shares with WCOH, WGBB, and WJBI.
WJBI	Redbank, N. J.	Monmouth Broadcasting Co	100W	Shares with WCOH, WGBB, and WMRJ.
WGBB	Freeport, N. Y.	Harry H. Carman	100W	Shares with WCOH, WJBI, and WMRJ.
WCOH	Yonkers, N. Y. T—Greenville, N. Y.	Westchester Broadcasting Corporation	100W	Shares with WJBI, WGBB, and WMRJ.
WOCL	Jamestown, N. Y.	A. E. Newton	25W	Unlimited.
WLCI	Ithaca, N. Y.	Lutheran Association of Ithaca, N. Y.	50W	Do.
WPAW	Pawtucket, R. I.	Shartenberg & Robinson Co	100W	Shares with WDWF–WLSI.
WDWF–WLSI	Providence, R. I. T—Cranston, R. I.	Dutee Wilcox Flint & Lincoln Studios (Inc.).	100W	Shares with WPAW.
WSEN	Columbus, Ohio	Columbus Broadcasting Corporation	100W	Unlimited.
WJW	Mansfield, Ohio	John F. Weimer (owner Mansfield Broadcasting Association).	100W	Do.
WALR	Zanesville, Ohio	Roy W. Waller	100W	Do.
WBAX	Wilkes-Barre, Pa. T—Plains Township, Pa.	John H. Stenger, jr	100W	Shares with WJBU.
WJBU	Lewisburg, Pa.	Bucknell University	100W	Shares with WBAX.
WBBL	Richmond, Va.	Grace Covenant Presbyterian Church	100W	Certain hours Sunday only.
WMBG	do	Havens & Martin (Inc.)	100W	Unlimited, except Sundays shares with WBBL.
WSIX	Springfield, Tenn.	Jack M. and Louis R. Draughon, doing business as 638 Tire and Vulcanizing Co.	100W	Unlimited.
WSOC	Gastonia, N. C.	WSOC (Inc.)	100W	Do.
WJBY	Gadsden, Ala.	Gadsden Broadcasting Co. (Inc.)	50W	Do.
WQDX	Thomasville, Ga.	Stevens Luke	50W	Do.
KGMP	Elk City, Okla.	Homer F. Bryant, trading as Bryant Radio & Electric Co.	100W	Do.

WRBQ	Greenville, Miss	J. Pat Scully	100W 250W–LS	Do.
WGCM	Gulfport, Miss. T—Mississippi City, Miss.	Great Southern Land Co	100W	Do.
KWEA	Shreveport, La	Hello World Broadcasting Corporation	100W	Do.
KDLR	Devils Lake, N. Dak	KDLR (Inc.)	100W	Do.
KGCR	Watertown, S. Dak	Cutler's Radio Broadcasting Service (Inc.)	100W	Do.
KFOR	Lincoln, Nebr	Howard A. Shuman	100W 250–LS	Do.
WHBU	Anderson, Ind	Citizens Bank	100W	Do.
KFVS	Cape Girardeau, Mo	Oscar C. Hirsch, trading as Hirsch Battery & Radio Co.	100W	Shares with WEBQ.
WEBQ	Harrisburg, Ill	First Trust & Savings Bank of Harrisburg, Ill.	100W	Shares with KFVS.
KGNO	Dodge City, Kans	Dodge City Broadcasting Co. (Inc.)	100W	Unlimited.
WSBC	Chicago, Ill	World Battery Co. (Inc.)	100W	Shares with WEDC and WCRW.
WCRW	do	Clinton R. White	100W	Shares with WEDC and WSBC.
WEDC	do	Emil Denemark (Inc.)	100W	Shares with WSBC and WCRW.
WCBS	Springfield, Ill	Chas. H. Messter and Harold L. Dewing	100W	Shares with WTAX.
WTAX	do	WTAX (Inc.)	100W	Shares with WCBS.
WHBF	Rock Island, Ill	Beardsley Specialty Co	100W	Unlimited.
WOMT	Manitowoc, Wis	Francis M. Kadow	100W	Do.
WIBU	Poynette, Wis	William C. Forrest	100W	Do.
KMJ	Fresno, Calif	James McClatchy Co	100W	Do.
KFXM	San Bernardino, Calif	J. C. and E. W. Lee (Lee Brothers Broadcasting Co.)	100W	Shares with KPPC.
KPPC	Pasadena, Calif	Pasadena Presbyterian Church	50W	Shares with KFXM.
KDFN	Casper, Wyo	Donald Lewis Hathaway	100W	Unlimited.

BROADCASTING STATIONS BY FREQUENCIES—Continued

1220 KILOCYCLES

Call letters	Main studio location	Licensee	Power	Time of operation
WCAD	Canton, N. Y.	St. Lawrence University	500W	Daytime.
WCAE	Pittsburgh, Pa.	Kaufman & Baer Co.	1KW	Unlimited.
WDAE	Tampa, Fla.	Tampa Publishing Co.	1KW	Do.
WREN	Lawrence, Kans.	Jenny Wren Co.	1KW	Shares with KFKU.
KFKU	do.	University of Kansas	500W	Shares with WREN.
KWSC	Pullman, Wash.	State College of Washington	1KW 2KW–LS	Unlimited.

1230 KILOCYCLES

Call letters	Main studio location	Licensee	Power	Time of operation
WNAC–WBIS	Boston, Mass. T—Quincy, Mass.	Shepard Broadcasting Service (Inc.)	1KW	Unlimited.
WPSC	State College, Pa.	The Pennsylvania State College	500W	Daytime.
WSBT	South Bend, Ind.	South Bend Tribune	500W	Shares with WFBM.
WFBM	Indianapolis, Ind.	Indianapolis Power & Light Co.	1KW	Shares with WSBT.
KGGM	Albuquerque, N. Mex.	New Mexico Broadcasting Co.	250W 500W–LS	Unlimited.
KYA	San Francisco, Calif.	Pacific Broadcasting Corporation	1KW	Do.
KFQD	Anchorage, Alaska	Anchorage Radio Club	100W	Do.

1240 KILOCYCLES

Call letters	Main studio location	Licensee	Power	Time of operation
WXYZ	Detroit, Mich.	Kunsky-Trendle Broadcasting Corporation.	1KW	Unlimited.
KTAT	Fort Worth, Tex. T—Birdville, Tex.	S. A. T. Broadcast Co.	1KW	Shares with WACO.
WACO	Waco, Tex.	Central Texas Broadcasting Co. (Inc.)	1KW	Shares with KTAT.

1250 KILOCYCLES

WGCP	Newark, N. J	May Radio Broadcast Corporation	250W	Shares with WODA and WAAM.
WODA	Paterson, N. J	Richard E. O'Dea	1KW	Shares with WGCP and WAAM.
WAAM	Newark, N. J	WAAM (Inc.)	1KW 2KW LS [18]	Shares with WODA and WGCP.
WDSU	New Orleans, La. T—Gretna, La.	Joseph H. Uhalt	1KW	Unlimited.
WLB-WGMS	Minneapolis, Minn. T—St. Paul, Minn.	University of Minnesota	1KW	Shares with WRHM, KFMX, and WCAL.
WRHM	Minneapolis, Minn. T—Fridley, Minn.	Minnesota Broadcasting Corporation	1KW	Shares with WLB, KFMX, and WCAL.
KFMX	Northfield, Minn	Carlton College	1KW	Shares with WLB, WRHM, and WCAL.
WCAL	Northfield, Minn	St. Olaf College	1KW	Shares with WLB, WRHM, and KFMX.
KFOX	Long Beach, Calif	Nichols and Warriner (Inc.)	1KW	Unlimited.
KIDO	Boise, Idaho	Frank L. Hill and C. G. Phillips, doing business as Boise Broadcast Station.	1KW	Do.

1260 KILOCYCLES

WLBW	Oil City, Pa	Radio-Wire Program Corporation of America.	500W 1KW-LS	Unlimited.
KWWG	Brownsville, Tex	The Brownsville Herald Publishing Co	500W	Shares with KRGV.
WTOC	Savannah, Ga	Savannah Broadcasting Co. (Inc.)	500W	Unlimited.
KRGV	Harlingen, Tex	KRGV (Inc.)	500W	Shares with KWWG.
KOIL	Council Bluffs, Iowa	Mona Motor Oil Co	1KW	Unlimited.
KVOA	Tucson, Ariz	Robert M. Riculfi	500W	Daytime.

[18] C. P. to increase power to 2½ KW-LS.

BROADCASTING STATIONS BY FREQUENCIES—Continued

1270 KILOCYCLES

Call letters	Main studio location	Licensee	Power	Time of operation
WEAI	Ithaca, N. Y	Cornell University	1KW	Daytime.
WFBR	Baltimore, Md	Baltimore Radio Show (Inc.)	500W	Unlimited.
WASH	Grand Rapids, Mich	WASH Broadcasting Corporation	500W	Shares with WOOD.
WOOD	Grand Rapids, Mich. T—Furnwood, Mich.	Walter B. Stiles (Inc.)	500W	Shares with WASH.
WJDX	Jackson, Miss	Lamar Life Insurance Co	1KW	Unlimited.
KWLC	Decorah, Iowa	Luther College	100W	Daytime. Shares with KGCA.
KGCA	do	Charles W. Greenley	50W	Daytime. Shares with KWLC.
KTW	Seattle, Wash	The First Presbyterian Church of Seattle, Wash.	1KW	Shares with KOL.
KOL	do	Seattle Broadcasting Co. (Inc.)	1KW	Shares with KTW.
KFUM	Colorado Springs, Colo	W. D. Corley	1KW	Unlimited.

1280 KILOCYCLES

WCAM	Camden, N. J	City of Camden	500W	Shares with WOAX and WCAP.
WCAP	Asbury Park, N. J	Radio Industries Broadcast Co	500W	Shares with WCAM and WOAX.
WOAX	Trenton, N. J	WOAX (Inc.)	500W	Shares with WCAM and WCAP.
WDOD	Chattanooga, Tenn. T—Brainerd, Tenn.	WDOD Broadcasting Corporation	1KW / 2½KW-LS	Unlimited.
WRR	Dallas, Tex	City of Dallas, Tex	500W	Do.
WIBA	Madison, Wis	The Capital Times Co	500W	Do.
KFBB	Great Falls, Mont	Buttrey Broadcast (Inc.)	1KW / 2½KW-LS	Do.

1290 KILOCYCLES

WNBZ	Saranac Lake, N. Y.	Earl J. Smith and William Mace, doing business as Smith & Mace.	50W	Daytime.
WJAS	Pittsburgh, Pa. T—North Fayette Township, Pa.	Pittsburgh Radio Supply House	1KW 2½KW–LS	Unlimited.
KTSA	San Antonio, Tex.	Lone Star Broadcasting Co. (Inc.)	1KW 2KW–LS	Shares with KFUL.
KFUL	Galveston, Tex.	Will H. Ford	500W	Shares with KTSA.
KLCN	Blytheville, Ark.	Charles Leo Lintzenich	50W	Daytime.
WEBC	Superior, Wis.	Head of the Lakes Broadcasting Co.	1KW 2½KW–LS	Unlimited.
KDYL	Salt Lake City, Utah.	Intermountain Broadcasting Corporation.	1KW	Do.

1300 KILOCYCLES

WBBR	Brooklyn, N. Y. T—Rossville, N. Y. (Staten Island).	Peoples Pulpit Association	1KW	Shares with WEVD, WHAZ, and WHAP.
WHAP	New York, N. Y. T—Carlstadt, N. J.	Defenders of Truth Society (Inc.)	1KW	Shares with WEVD, WHAZ, and WBBR.
WEVD	New York, N. Y. T—Forest Hills, N. Y.	Debs Memorial Radio Fund (Inc.)	500W	Shares With WHAP, WHAZ, and WBBR.
WHAZ	Troy, N. Y.	Rensselaer Polytechnic Institute	500W	Shares with WEVD, WHAP, and WBBR.
WIOD–WMBF	Miami, Fla. T—Miami Beach, Fla.	Isle of Dreams Broadcasting Corporation.	1KW	Unlimited.
KFH	Wichita, Kans.	Radio Station KFH Co.	1KW	Shares with WOQ.
WOQ	Kansas City, Mo.	Unity School of Christianity	1KW	Shares with KFH.
KGEF	Los Angeles, Calif.	Trinity Methodist Church, South	1KW	Shares with KTBI.
KTBI	Los Angeles, Calif.	Bible Institute of Los Angeles	1KW	Shares with KGEF.
KFJR	Portland, Oreg.	Ashley C. Dixon, trading as Ashley C. Dixon & Son.	500W	Shares with KTBR.
KTBR	do	M. E. Brown	500W	Shares with KFJR.

BROADCASTING STATIONS BY FREQUENCIES—Continued

1310 KILOCYCLES

Call letters	Main studio location	Licensee	Power	Time of operation
WKAV	Laconia, N. H	Laconia Radio Club	100W	Unlimited.
WEBR	Buffalo, N. Y	Howell Broadcasting Co. (Inc.)	100W 200W-LS	Do.
WMBO	Auburn, N. Y	George I. Stevens, trading as Radio Service Laboratories.	100W	Do.
WNBH	New Bedford, Mass. T—Fairhaven, Mass.	Irving Vermilya, trading as New Bedford Broadcasting Co.	100W	Do.
WOL	Washington, D. C	American Broadcasting Co	100W	Do.
WGH	Newport News, Va	Hampton Roads Broadcasting Corporation.	100W	Do.
WEXL	Royal Oak, Mich	Royal Oak Broadcasting Co	50W	Do.
WFDF	Flint, Mich	Frank D. Fallain	100W	Do.
WBEO	Marquette, Mich	Charles C. MacLeod	100W	Unlimited. (C. P. only.)
WHAT	Philadelphia, Pa	Independence Broadcasting Co	100W	Shares with WTEL.
WTEL	do	Foulkrod Radio Engineering Co	50W [19]	Shares with WHAT.
WJAC	Johnstown, Pa	Johnstown Automobile Co	100W	Shares with WFBG.
WFBG	Altoona, Pa	William F. Gable Co	100W [20]	Shares with WJAC.
WRAW	Reading, Pa	Reading Broadcasting Co	50W [21]	Shares with WGAL.
WGAL	Lancaster, Pa	WGAL, Incorporated	100W	Shares with WRAW.
WSAJ	Grove City, Pa	Grove City College	100W	Unlimited.
WBRE	Wilkes-Barre, Pa	Louis G. Baltimore	100W	Do.
WKBC	Birmingham, Ala	R. B. Broyles, trading as R. B. Broyles Furniture Co.	100W	Unlimited.
WRBI	Tifton, Ga	Charles A. and Milton U. Kent, doing business as Kent's Furniture & Music Store.	20W [22]	One-half time.
WOBT	Union City, Tenn	A. F. Tittsworth, trading as Tittsworth's Radio & Music Shop.	100W 250W-LS	Unlimited.
WROL	Knoxville, Tenn	Stuart Broadcasting Corporation	100W	Do.
KRMD	Shreveport, La	Robert M. Dean	50W	Shares with KTSL.
KTSL	do	G. A. Houseman	100W	Shares with KRMD.
WSJS	Winston-Salem, N. C	Winston-Salem Journal Co	100W	Unlimited.

KTLC	Houston, Tex	Houston Broadcasting Co	100W	Do.
KFPM	Greenville, Tex	Dave Ablowich, trading as The New Furniture Co.	15W	Do.
KTSM	El Paso, Tex	W. S. Bledsoe and W. T. Blackwell	100W	Shares with WDAH.
WDAH	do	E. E., C. T., E. M., and Ernest Wilson, doing business as Eagle Broadcasting Co.	100W	Shares with KTSM.
KFPL	Dublin, Tex	C. C. Baxter	100W	Unlimited.
KFXR	Oklahoma City, Okla	Exchange Avenue Baptist Church	100W / 250-W-LS	Do.
WKBS	Galesburg, Ill	Permil N. Nelson	100W	Do.
WCLS	Joliet, Ill	WCLS (Inc.)	100W	Shares with WKBB.
WKBB	do	Sanders Brothers Radio Station	100W	Shares with WCLS.
KWCR	Cedar Rapids, Iowa	Harry F. Parr	100W	Shares with KFGQ and KFJY.
KFJY	Fort Dodge, Iowa	C. S. Tunwall	100W	Shares with KFGQ and KWCR.
KFGQ	Boone, Iowa	Boon Biblical College	100W	Shares with KWCR and KFJY.
KGFW	Ravenna, Nebr	Central Nebraska Broadcasting Corporation.	100W	Unlimited.
WBOW	Terre Haute, Ind	Banks of Wabash (Inc.)	100W	Do.
WJAK	Marion, Ind	Marion Broadcast Co	50W	Shares with WLBC.
WLBC	Muncie, Ind	Donald A. Burton	50W	Shares with WJAK.
KGBX	St. Joseph, Mo	KGBX (Inc.)	100W	Unlimited.
KFIU	Juneau, Alaska	Alaska Electric Light & Power Co	10W	Do.
KFBK	Sacramento, Calif	James McClatchy Co	100W	Do.
KCRJ	Jerome, Ariz	Charles C. Robinson	100W	Do.
KGCX	Wolf Point, Mont	First State Bank of Vida	100W / 250W-LS	One-half time.
KGEZ	Kalispell, Mont	Donald C. Treloar and Stanley R. Church doing business as Treloar-Church Broadcasting Co.	100W	Unlimited.
KFUP	Denver, Colo	Fitzsimons General Hospital, U. S. Army	100W	Shares with KFXJ.
KFXJ	Edgewater, Colo.[23]	R. G. Howell and Charles Howell, doing business as Western Slope Broadcasting Co.	50W	Shares with KFUP.

[19] C. P. to increase power to 100 watts.
[20] C. P. to increase power to 250 watts-LS.
[21] C. P. to increase power to 100 watts.
[22] C. P. to increase power to 100 watts.
[23] C. P. to move transmitter and studio to Grand Junction, Colo., and increase power to 100 Wats.

BROADCASTING STATIONS BY FREQUENCIES—Continued

1310 KILOCYCLES—Continued

Call letters	Main studio location	Licensee	Power	Time of operation
KMED	Medford, Oreg	Mrs. W. J. Virgin	50W	Unlimited.
KXRO	Aberdeen, Wash.	KXRO (Inc.)	75W [24]	Do.
KIT	Yakima, Wash	Carl E. Haymond	50W	Do.

1320 KILOCYCLES

Call letters	Main studio location	Licensee	Power	Time of operation
WADC	Tallmadge, Ohio	Allen T. Simmons	1KW	Unlimited.
WSMB	New Orleans, La	Saenger Theatres (Inc.) and Maison Blanche Co.	500W	Do.
KTFI	Twin Falls, Idaho	Radio Broadcasting Corporation	250W [25]	Shares with KID at night.
KID	Idaho Falls, Idaho	KID Broadcasting Co	250W 500W–LS	Shares with KTFI at night.
KGHF	Pueblo, Colo	Curtis P. Ritchie and Joe E. Finch	250W 500W–LS	Unlimited.
KGMB	Honolulu, Hawaii	Honolulu Broadcasting Co. (Ltd.)	500W	Do.

1330 KILOCYCLES

Call letters	Main studio location	Licensee	Power	Time of operation
WDRC	Hartford, Conn. T—Bloomfield, Conn.	The Doolittle Radio Corporation	500W	Unlimited.
WSAI	Cincinnati, Ohio. T—Mason, Ohio.	Crosley Radio Corporation (lessee)	500W	Do.
WTAQ	Eau Claire, Wis. T—Township of Washington, Wis.	Gillette Rubber Co	1KW	Shares with KSCJ.
KSCJ	Sioux City, Iowa	Perkins Brothers Co	1KW 2½KW–LS	Shares with WTAQ.
KGB	San Diego, Calif.	Pickwick Broadcasting Corporation	250W [26]	Unlimited.

1340 KILOCYCLES

WSPD	Toledo, Ohio	Toledo Broadcasting Co	500W 1KW–LS	Unlimited.
KFPW	Fort Smith, Ark	Southwestern Hotel Co	50W	Daytime.
WCOA	Pensacola, Fla	City of Pensacola, Fla	500W	Unlimited.
KFPY	Spokane, Wash	Symons Broadcasting Co	1KW	Do.

1350 KILOCYCLES

WAWZ	Zarephath, N. J	Pillar of Fire	250W	Shares with WMSG, WCDA, and WBNX. (C. P. only.)
WMSG	New York, N. Y	Madison Square Garden Broadcast Corporation.	250W	Shares with WAWZ, WCDA, and WBNX.
WCDA	New York, N. Y. T—Cliffside Park, N. J.	Italian Educational Broadcasting Co. (Inc.).	250W	Shares with WAWZ, WMSG, and WBNX.
WBNX	New York, N. Y	Standard Cahill Co. (Inc.)	250W	Shares with WAWZ, WMSG, and WCDA.
KWK	St. Louis, Mo. T—Kirkwood, Mo.	Greater St. Louis Broadcasting Corporation.	1KW	Unlimited.

1360 KILOCYCLES

WFBL	Syracuse, N. Y.[27]	Onondaga Radio Broadcasting Corporation.	1KW	Unlimited.
WQBC	Vicksburg, Miss	Delta Broadcasting Co. (Inc.)	300W	Daytime. (C. P. only.)
WCSC	Charleston, S. C	Fred Jordon and Lewis Burk	500W	Unlimited.
WJKS	Gary, Ind	Johnson-Kennedy Radio Corporation	1KW 1¼KW–LS	Shares with WGES.
WGES	Chicago, Ill	Oak Leaves Broadcasting Station (Inc.)	500W 1KW–LS [28]	Shares with WJKS.
KGIR	Butte, Mont	KGIR (Inc.)	500W	One-half time.
KGER	Long Beach, Calif	C. Merwin Dobyns	1KW	Shares with KPSN.
KPSN	Pasadena, Calif	Pasadena Star-News Publishing Co	1KW	Shares with KGER.

[24] C. P. to increase power to 100 watts.
[25] C. P. to increase power to 500 watts—LS.
[26] C. P. to increase power to 500 watts.
[27] C. P. to move transmitter to Collamer, N. Y., and increase power to 2½ KW–LS.
[28] On Sundays.

BROADCASTING STATIONS BY FREQUENCIES—Continued

1370 KILOCYCLES

Call letters	Main studio location	Licensee	Power	Time of operation
WRDO	Augusta, Me	Albert S. Woodman	100W	Unlimited (C. P. only).
WQDM	St. Albans, Vt	A. J. St. Antoine	5W [49]	Daytime.
WLEY	Lexington, Mass	Carl S. Wheeler, trading as Lexington Air Stations.	100W 250W–LS	One-half time.
WSVS	Buffalo, N. Y	Elmer S. Pierce, principal, Seneca Vocational High School.	50W	Unlimited.
WBGF	Glens Falls, N. Y	W. Neal Parker and Herbert H. Metcalfe	50W	Do.
WPOE	Patchogue, N. Y	Nassau Broadcasting Corporation	100W	Do.
WCBM	Baltimore, Md	Baltimore Broadcasting Corporation	100W 250W–LS	Do.
WBTM	Danville, Va	L. H., R. G., and A. S. Clarke, doing business as Clarke Electric Co.	100W	Shares with WLVA.
WLVA	Lynchburg, Va	Lynchburg Broadcasting Corporation	100W	Shares with WBTM.
WHBD	Mount Orab, Ohio	F. P. Moler	100W	Unlimited.
WHDF	Calumet, Mich	Upper Michigan Broadcasting Co	100W 250W–LS	Do.
WJBK	Highland Park, Mich	James F. Hopkins (Inc.)	50W	Shares with WIBM.
WIBM	Jackson, Mich	WIBM (Inc.)	100W	Shares with WJBK.
WRAK	Williamsport, Pa	Clarence R. Cummins	50W [30]	Unlimited.
WELK	Philadelphia, Pa	WELK Broadcasting Station (Inc.)	100W 250W–LS	Do.
WFDV	Rome, Ga	Dolies Goings	100W	Do.
WRBJ	Hattiesburg, Miss	Woodruff Furniture Co. (Inc.)	10W	Do.
WHBQ	Memphis, Tenn	Broadcasting Station WHBQ (Inc.)	100W	Do.
WRBT	Wilmington, N. C	Wilmington Radio Association (Inc.)	100W	Do.
KGFG	Oklahoma City, Okla	Oklahoma Broadcasting Co. (Inc.)	100W	Shares with KCRC.
KCRC	Enid, Okla	Champlin Refining Co	100W 250W–LS	Shares with KGFG.
WMBR	Tampa, Fla	F. J. Reynolds	100W	Unlimited.
KMAC	San Antonio, Tex	W. W. McAllister	100W	Shares with KONO.

KFJZ	Fort Worth, Tex	Margaret Meacham Hightower, Minnie Meacham Smith, and Mary Meacham, executrices of estate of H. C. Meacham, deceased.	100W	Unlimited.
KONO	San Antonio, Tex	Mission Broadcasting Co	100W	Shares with KMAC.
KGKL	San Angelo, Tex	KGKL (Inc.)	100W	Unlimited.
KFLX	Galveston, Tex	George Roy Clough	100W	Do.
WGL	Fort Wayne, Ind	Fred C. Zeig (Allen-Wayne Co.)	100W	Do.
KGDA	Mitchell, S. Dak	Mitchell Broadcasting Corporation	100W	Do.
KFJM	Great Forks, N. Dak	University of North Dakota	100W	Do.
KWKC	Kansas City, Mo	Wilson Duncan, trading as Wilson Duncan Broadcasting Co.	100W	One-half time.
WRJN	Racine, Wis	Racine Broadcasting Corporation	100W	Unlimited.
KGAR	Tucson, Ariz	Tucson Motor Service Co	100W 250W-LS	Do.
KRE	Berkeley, Calif	First Congregational Church of Berkeley	100W	Shares with KZM.
KZM	Hayward, Calif	Leon P. Tenney	100W	Shares with KRE.
KOOS	Marshfield, Oreg	H. H. Hanseth (Inc.)	100W	Unlimited.
KFBL	Everett, Wash	Otto Leese and Robert Leese doing business as Leese Bros.	50W	Shares with KVL.
KVL	Seattle, Wash	KVL, Incorporated	100W	Shares with KFBL.
KFJI	Astoria, Oreg	KFJI Broadcasters, Inc	100W	Unlimited.
KGFL	Raton, N. Mex	W. E. Whitmore	50W	Do.
KUJ	Walla Walla, Wash	Paul R. Heitmeyer	100W	One-half time (C. P. only).

1380 KILOCYCLES

WSMK	Dayton, Ohio	Stanley M. Krohn, jr	200W	Shares with KQV at night.
KQV	Pittsburgh, Pa	Doubleday-Hill Electric Co	500W	Shares with WSMK at night.
KSO	Clarinda, Iowa	Berry Seed Co	560W	Shares with WKBH.
WKBH	LaCrosse, Wis	WKBH (Inc.)	1KW	Shares with KSO.
KOH	Reno, Nev	Jay Peters (Inc.)	500W	Unlimited.

[39] C. P. to increase power to 100 watts.

[39] C. P. to increase power to 100 watts.

BROADCASTING STATIONS BY FREQUENCIES—Continued

1390 KILOCYCLES

Call letters	Main studio location	Licensee	Power	Time of operation
WHK	Cleveland, Ohio. T—Seven Hills, Ohio.	Radio Air Service Corporation	1KW	Unlimited.
KLRA	Little Rock, Ark	Arkansas Broadcasting Co	1KW	Shares with KUOA.
KUOA	Fayetteville, Ark	University of Arkansas	1KW	Shares with KLRA.
KOY	Phoenix, Ariz	Nielsen Radio and Sporting Goods Co	500W	Unlimited.

1400 KILOCYCLES

Call letters	Main studio location	Licensee	Power	Time of operation
WCGU	Brooklyn, N. Y	United States Broadcasting Corporation	500W	Shares with WFOX, WLTH, and WBBC.
WFOX	do	Paramount Broadcasting Corporation	500W	Shares with WCGU, WLTH, and WBBC.
WLTH	do	Voice of Brooklyn (Inc.)	500W	Shares with WFOX, WCGU, and WBBC.
WBBC	do	Brooklyn Broadcasting Corporation	500W	Shares with WFOX, WLTH, and WCGU.
KOCW	Chickasha, Okla	Oklahoma College for Women	250W / 500W-LS	Unlimited.
WCMA	Culver, Ind	General Broadcasting Corporation	500W	Shares with WBAA and WKBF.
WKBF	Indianapolis, Ind. T—Clermont, Ind.	Indianapolis Broadcasting (Inc.)	500W	Shares with WBAA and WCMA.
WBAA	West Lafayette, Ind	Purdue University	500W / 1KW-LS	Shares with WCMA, and WKBF.
KLO	Ogden, Utah	Peery Building Co	500W	Unlimited.

1410 KILOCYCLES

WLEX	Lexington, Mass	Bay State Broadcasting Corporation	500W	Shares with WMAF and WSSH.
WMAF	South Dartmouth, Mass	Round Hills Radio Corporation	500W	Shares with WLEX and WSSH.
WSSH	Boston, Mass	Tremont Temple Baptist Church	500W	Shares with WLEX and WMAF.
WRBX	Roanoke, Va	Richmond Development Corporation	250W	One-half time.
WBCM	Bay City, Mich. T—Hampton Township, Mich.	Jas. E. Davidson	500W	Unlimited.
KGRS	Amarillo, Tex	E. B. Gish (Gish Radio Service)	1KW	Shares with WDAG.
WDAG	do	National Radio Broadcasting Corporation	250W [31]	Shares with KGRS.
WODX	Mobile, Ala. T—Springhill, Ala.	Mobile Broadcasting Corporation	500W	Shares with WSFA.
WSFA	Montgomery, Ala	Montgomery Broadcasting Co. (Inc.)	500W	Shares with WODX.
KFLV	Rockford, Ill	Rockford Broadcasters (Inc.)	500W	Shares with WHBL.
WHBL	Sheboygan, Wis	Press Publishing Co	500W	Shares with KFLV.

1420 KILOCYCLES

WHDL	Tupper Lake, N. Y	Tupper Lake Broadcasting Co. (Inc.)	10W [32]	Daytime.
WTBO	Cumberland, Md	Associated Broadcasting Corporation	100W 250W–LS	Unlimited.
WILM	Wilmington, Del. T—Edge Moor, Del.	Delaware Broadcasting Co. (Inc.)	100W	Do.
WPAD	Paducah, Ky	Pierce E. Lackey and S. Houston McNutt, doing business as Paducah Broadcasting Co.	100W	Do.
WEDH	Erie, Pa	Erie Dispatch-Herald Broadcasting Corporation.	100W	Do.
WMBC	Detroit, Mich	Michigan Broadcasting Co	100W 250W–LS	Do.

[31] C. P. to increase power to 1 KW.

[32] C. P. to increase power to 100 watts.

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BROADCASTING STATIONS BY FREQUENCIES—Continued

1420 KILOCYCLES—Continued

Call letters	Main studio location	Licensee	Power	Time of operation
WELL	Battle Creek, Mich	Enquirer-News Co	50W [33]	Unlimited.
WHIS	Bluefield, W. Va	Daily Telegraph Printing Co	100W [34]	Do.
WIBR	Steubenville, Ohio	George W. Robinson	50W	One-half time.
WFDW	Talladega, Ala	Raymond C. Hammett	100W	Unlimited.
WJBO	New Orleans, La	Valdemar Jensen	100W	Do.
KGFF	Alva, Okla.[35]	D. R. Wallace (owner KGFF Broadcasting Co.)	100W	Do.
KTAP	San Antonio, Tex	Alamo Broadcasting Co. (Inc.)	100W	Do.
KXYZ	Houston, Tex	Harris County Broadcast Co	100W	Do.
KFYO	Abilene, Tex	T. E. Kirksey, trading as Kirksey Brothers.	100W 250W–LS	Do.
WSPA	Spartanburg, S. C	Virgil V. Evans, trading as The Voice of South Carolina.	100W 250W–LS	Do.
KICK	Red Oak, Iowa	Red Oak Radio Corporation	100W	Do.
WIAS	Ottumwa, Iowa	Iowa Broadcasting Co	100W	Do.
WLBF	Kansas City, Kans	The WLBF Broadcasting Co	100W	Do.
WMBH	Joplin, Mo	Edwin Dudley Aber	100W 250W–LS	Do.
KLPM	Minot, N. Dak	John B. Cooley	100W	Do.
WEHS	Evanston, Ill	WEHS (Inc.)	100W	Shares with WKBI and WHFC.
WHFC	Cicero, Ill	Triangle Broadcasters	100W	Shares with WKBI and WEHS.
WKBI	Chicago, Ill	Fred L. Schoenwolf	100W	Shares with WHFC and WEHS.
KFIZ	Fond du Lac, Wis	The Reporter Printing Co	100W	Unlimited.
KFXY	Flagstaff, Ariz	Mary M. Costigan	100W	Do.
KGIX	Las Vegas, Nev	J. M. Heaton	100W	Do.
KFQU	Holy City, Calif	W. E. Riker	100W	Shares with KGGC.
KFXD	Nampa, Idaho	Frank E. Hurt, trading as Service Radio Co.	50W	Unlimited.
KGIW	Trinidad, Colo	Leonard E. Wilson	100W	Do.
KGKX	Sandpoint, Idaho	C. E. Twiss and F. H. McCann	100W	Do.

KGGC	San Francisco, Calif	The Golden Gate Broadcasting Co	100W	Shares with KFQU.
KGVO	Missoula, Mont	Mosby's (Inc.)	100W	10 a. m. to 6 p. m. (C. P. only).
KXL	Portland, Oreg	KXL Broadcasters	100W	Shares with KBPS.
KBPS	do	Benson Polytechnic School	100W	Shares with KXL.
KORE	Eugene, Oreg	Frank L. Hill and C. G. Phillips, doing business as Eugene Broadcast Station.	100W	Unlimited.
KFQW	Seattle, Wash	KFQW (Inc.)	100W	Do.

1430 KILOCYCLES

WHP	Harrisburg, Pa. T—Le-moyne, Pa.	WHP (Inc.)	500W 1KW-LS	Shares with WBAK and WCAH.
WBAK	Harrisburg, Pa	Pennsylvania State Police, Commonwealth of Pennsylvania.	500W 1KW-LS	Shares with WHP and WCAH.
WCAH	Columbus, Ohio	Commercial Radio Service Co	500W	Shares with WHP and WBAK.
WGBC	Memphis, Tenn	Memphis Broadcasting Co	500W	Shares with WNBR.
WNBR	do	do	500W	Shares with WGBC.
KGNF	North Platte, Nebr	Herbert Logan Spencer	500W	Daytime.
KECA	Los Angeles, Calif	Pacific Development Radio Co	1KW	Unlimited.

1440 KILOCYCLES

WHEC-WABO	Rochester, N. Y	Hickson Electric & Radio Corporation	500W	Shares with WOKO.
WOKO	Poughkeepsie, N. Y. T—Mount Beacon, N. Y.[35]	WOKO (Inc.)	500W	Shares with WHEC-WABO.
WCBA	Allentown, Pa	B. Bryan Musselman	250W	Shares with WSAN.
WSAN	do	Allentown Call Publishing Co. (Inc.)	250W	Shares with WCBA.
WBIG	Greensboro, N. C	North Carolina Broadcasting Co. (Inc.)	500W	Unlimited.
WTAD	Quincy, Ill	Illinois Stock Medicine Broadcasting Corporation.	500W	Shares with WMBD.
WMBD	Peoria Heights, Ill	E. M. Kahler (owner Peoria Heights Radio Laboratory).	500W 1KW-LS	Shares with WTAD.
KLS	Oakland, Calif	E. N. and S. W. Warner, doing business as Warner Bros.	250W	Daytime.

[33] C. P. to increase power to 100 watts.
[34] C. P. to increase power to 250 watts, to change frequency to 1410 kilocycles, to operate one-half time.
[35] C. P. to move studio and transmitter to Shawnee, Okla.
[36] C. P. to move transmitter and studio to Albany, N.Y.

BROADCASTING STATIONS BY FREQUENCIES—Continued

1450 KILOCYCLES

Call letters	Main studio location	Licensee	Power	Time of operation
WBMS	Hackensack, N. J	WBMS Broadcasting Corporation	250W	Shares with WNJ, WHOM, and WKBO.
WNJ	Newark, N. J	Radio Investment Co., (Inc.)	250W	Shares with WBMS, WHOM, and WKBO.
WHOM	Jersey City, N. J	New Jersey Broadcasting Corporation	250W	Shares with WNJ, WBMS, and WKBO.
WKBO	do	Camith Corporation	250W	Shares with WNJ, WHOM, and WBMS.
WSAR	Fall River, Mass	Doughty & Welch Electric Co. (Inc.)	250W	Unlimited.
WGAR	Cleveland, Ohio	WGAR Broadcasting Co	500W	Do.
WTFI	Toccoa, Ga	Toccoa Falls Institute	500W	Do.
KTBS	Shreveport, La	Tri State Broadcasting System (Inc.)	1KW	Do.
WJSV	Alexandria, Va. T—Mt. Vernon Hills, Va.	Independent Publishing Co	10KW	Do.
KSTP	St. Paul, Minn. T—Westcott, Minn.	National Battery Broadcasting Co	10KW	Do.

1470 KILOCYCLES

WLAC	Nashville, Tenn	Life and Casualty Insurance Co	5KW	Unlimited.
KGA	Spokane, Wash	Northwest Broadcasting System (Inc.)	5KW	Do.

1480 KILOCYCLES

WKBW	Buffalo, N. Y. T—Amherst, N. Y.	WKBW (Inc.)	5KW	Unlimited.
KFJF	Oklahoma City, Okla	National Radio Manufacturing Co	5KW	Do.

1490 KILOCYCLES

WCKY	Covington, Ky. T—Crescent Springs, Ky.	L. B. Wilson (Inc.)	5KW	Shares with WJAZ and WCHI.
WJAZ	Mt. Prospect, Ill	Zenith Radio Corporation	5KW	Shares with WCKY and WCHI.
WCHI	Chicago, Ill. T—Batavia, Ill.	Peoples Pulpit Association	5KW	Shares with WJAZ and WCKY.

1500 KILOCYCLES

WMBA	Newport, R. I	LeRoy Joseph Beebe	100W	Unlimited.
WLOE	Boston, Mass. T—Chelsea, Mass.	Boston Broadcasting Co	100W 250W–LS	One-half time.
WNBF	Binghamton, N. Y	Howitt-Wood Radio Co. (Inc.)	100W	Unlimited.
WMBQ	Brooklyn, N. Y	Paul J. Gollhofer	100W	Shares with WLBX, WCLB, and WWRL.
WCLB	do	Arthur Faske	100W	Shares with WLBX, WMBQ, and WWRL (C. P. only).
WLBX	Long Island City, N. Y	John N. Brahy	100W	Shares with WMBQ, WCLB, and WWRL.
WWRL	Woodside, N. Y	Long Island Broadcasting Corporation	100W	Shares with WMBQ, WLBX, and WCLB.
WSYB	Rutland, Vt	H. E. Seward, jr., and Philip Weiss, doing business as Seward & Weiss Music Co.	100W	Unlimited.
WKBZ	Ludington, Mich	Karl L. Ashbacker	50W	Do.
WMPC	Lapeer, Mich	First Methodist Protestant Church of Lapeer.	100W	Do.
WPEN	Philadelphia, Pa	Wm. Penn Broadcasting Co	100W 250W–LS	Do.
WWSW	Pittsburgh, Pa	William S. Walker	100W	Unlimited (C. P. only).
WOPI	Bristol, Tenn	Radiophone Broadcasting Station WOPI (Inc.).	100W	Unlimited.
WDIX	Tupelo, Miss	North Mississippi Broadcasting Corporation.	100W	Do.
WRDW	Augusta, Ga	Musicove (Inc.)	100W	Do.

BROADCASTING STATIONS BY FREQUENCIES—Continued

1500 KILOCYCLES—Continued

Call letters	Main studio location	Licensee	Power	Time of operation
KGFI	Corpus Christi, Tex	Eagle Broadcasting Co. (Inc.)	100W 250W-LS	Unlimited.
KUT	Austin, Tex	Rice Hotel	100W	Do.
KGKB	Brownwood, Tex	E. M., C. T., and E. E. Wilson, doing business as Eagle Publishing Co.	100W	Do.
KGIZ	Grant City, Mo	Grant City Park Corporation	50W [37]	Do.
KGKY	Scottsbluff, Nebr	Hilliard Co. (Inc.)	100W	Do.
WKBV	Connersville, Ind	William O. Knox, trading as Knox Battery & Electric Co.	100W 150W-LS	Do.
KGFK	Moorhead, Minn	Red River Broadcasting Co. (Inc.)	50W	Do.
KPJM	Prescott, Ariz	A. P. Miller and George R. Klahn, doing business as Miller & Klahn.	100W	Do.
KXO	El Centro, Calif	E. R. Irey and F. M. Bowles	100W	Do.
KDB	Santa Barbara, Calif	Dwight Faulding	100W	Do.
KREG	Santa Ana, Calif	Pacific-Western Broadcasting Federation (Ltd.).	100W	Do.
KPQ	Wenatchee, Wash	Wescoast Broadcasting Co	50W	Do.

[37] C. P. to increase power to 100 watts.

1800 2682.

Federal Radio Commission, Washington, D. C.

General Order No. 92.

At a session of the Federal Radio Commission held at its offices in Washington, D. C., on June 17, 1930, the Commission adopted the following General Order:

Whereas, the Act of Congress approved March 28, 1928, entitled "An Act continuing for One Year the Powers and Authority of the Federal Radio Commission under the Radio Act of 1927, and for other Purposes," provides and declares that "The people of all the zones established by section 2 of this Act (Radio Act of 1927) are entitled to equality of radio broadcasting service, both of transmission and of reception," and

Whereas, said Act approved March 28, 1928, above referred to, also provides and requires that "in order to provide said equality the licensing authority shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power," and

Whereas, It was the intent and purpose of Congress to secure an equal distribution of radio broadcasting service, both of transmission and of reception between the five zones aforesaid, and

Whereas, it is necessary, in order to make and maintain such equal allocation between said five zones and fairly and equitably between the states within each of the zones, that the Commission determine the value of stations of various classes or of various powers in effecting such allocation, and

Whereas, the Commission has sought and obtained the best advice and information available and has given much time to an intensive study to such values of stations of various powers, and

Whereas, the Commission, through its engineers and from studies made by the Commission has considered all the elements required by Congress to be considered, and has allowed the paramount intent and purpose of the Act

of March 28, 1928, above referred to, to control, i. e. "that the people of all the zones * * * are entitled to equality of radio broadcasting service, both of transmission and of reception," and

Whereas, it has been found that, according to the broadcasting service rendered to the people of each zone and of the states within each zone by stations of various classes, both of transmission and of reception, each class of station is of the following value in units, to-wit:

A. For full-time station:

Classes of Stations.	Value in Units.
(1) Stations of a power of 5 KW or more, one station only operating on the channel at night	5 Units
(2) Stations of a power of 5 KW or more, 2 stations operating simultaneously on a common frequency and separated by 2000 miles or more	4 Units
1801 (3) Stations of a power of 5 KW or more, 2 or more stations operating on a common frequency and stations separated by less than 2000 miles	2 Units
(4) Stations of a power of 1 KW, two or more stations operating simultaneously on a common frequency	1 Unit
(5) Stations with 500 watts power with more than 2 stations operating simultaneously on a common frequency	0.6 Unit
(6) Stations with 250 watts power with more than 2 stations operating simultaneously on a common frequency	0.4 Units
(7) Stations with 100 watts power or less, with two or more stations per zone operating simultaneously on a common frequency	0.2 Units

B. Day stations:

(1) Stations of a power of 5 KW operating during daylight hours only simultaneously with stations of Class A (1), above	1.5 Units
(2) Stations of a power of 2.5 KW operating during daylight hours only	0.75 Units

Classes of Stations.	Value in Units.
(3) Stations of a power of 1 KW operating during daylight hours only	0.5 Units
(4) 500 watt, 250 watt, or 100 watt stations operating during daylight hours only, one-half values given for corresponding full time stations above	

C. Full-time stations having excess day power:

All stations shall have their values in units based on one-half the units for full time stations of same power as the stations have at night plus the value in units for a day station of the same power as the station has in day time as follows:

1 KW night 2½ day equal	1.25 Units
500 watts night 1 KW day equal	0.8 Unit
250 watts night 500 watts day equal	0.5 Unit
100 watts night 250 watts day equal	0.3 Unit

1802-1809 D. Limited-time stations:

For stations of more than 5 KW the value of units will be the same for all powers. The units will be based on 5 units; the units for each station will therefore be 2.5 for day operation plus 2.5 times hours used between 6:00 P. M. and 12:00 P. M., Local Time, divided by 12.

Stations over 5 KW. operating 1 night hour	2.7 Units
2 night hours	2.9 Units
3 night hours	3.1 Units

For stations of 5 KW the basis shall be 1.5 units for day operation the same as a 5 KW day station given above, plus 2.5 units times hours used between 6:00 P. M. and 12:00 P. M. Local Time, divided by 12.

Stations of 5 KW. operating 1 night hour ..	1.7 Units
2 night hours ..	1.9 Units
3 night hours ..	2.1 Units

For stations operating with power of 1 KW, 500 watts, and 250 watts, the value in units

shall be the same as for a day station plus the value in units of day station, times number of night hours used between 6:00 P. M. and 12:00 P. M. Local Time, dividing by 12.

Classes of Stations.	Value in Units.
1000 watt stations operating 1 night hour	0.54 Units
2 night hours	0.58 Units
3 night hours	0.62 Units
500 watt stations operating 1 night hour	0.32 Units
2 night hours	0.35 Units
3 night hours	0.38 Units
250 watt stations operating 1 night hour	0.22 Units
2 night hours	0.23 Units
3 night hours	0.25 Units

For stations dividing time on the same frequency the value assigned will be in proportion to the time assigned.

It is therefore

Ordered that the values of radio broadcasting stations of the various classes, powers and time of operation be and they are hereby fixed in units as above set forth, and

It is further ordered that each of the five zones created by Section 2 of the Radio Act of 1927 shall each have broadcasting stations the total value in units of which shall be equal, and shall be fairly and equitably distributed among and allocated to the states within each of said zones in proportion to the population each of said states bears to the population of the zone, and that the quota of broadcasting facilities to which each state is entitled shall be determined and fixed as herein provided and in accordance with values in units for various classes of stations above set out.

C. McK. SALTZMAN,
Chairman.

1810 3699.

Federal Radio Commission, Washington, D. C.

General Order No. 102.

At a session of the Federal Radio Commission held at its offices in Washington, D. C., on the 8th day of January, 1931, the Commission adopted the following General Order:

Whereas, under the unit and quota figures adopted by the Commission, the First and Second Zones are under-quota and the remaining three zones are over-quota;

And whereas, there are a number of states that are over-quota and a number of states that are under-quota;

And whereas, there is now pending before the Commission a number of applications from under-quota states which, under the law, are entitled to their pro rata share of radio facilities;

Therefore, in order to bring about an equalization of these radio facilities among the states in the zones, the Commission adopts the following with reference to applications:

1. Where a zone has already in use its pro rata share of facilities, the Commission will not allocate any further radio facilities to that zone, which would increase its quota.

2. Applications from under-quota states in zones which have already allocated to them their pro rata share of radio facilities should be for a facility already in use in that zone by an over-quota state.

3. Likewise, where a state is already over-quota, the Commission will not allocate any further radio facilities to that state, which would increase its quota.

4. Applications from states which now have their quotas, or from states which are over quota, should be for facilities already in use in that state.

5. An applicant from an under-quota state in an under-quota zone may apply either for facilities in use in an over-quota state in that zone or an over-quota state in an over-quota zone.

The further questions of kilocycle and mileage separations should also be considered by an applicant in selecting the frequency to be applied for.

Since the Commission has classified stations in accordance with power into three classes, namely, clear channel, regional, and local stations, and has allocated certain frequencies for the use of each of these three classes of stations, applications should be for frequencies set aside by the Commission for the character of station applied for.

All applications now pending before the Commission which have not been heard or designated for hearing by the Commission may be amended by the applicants to conform to this Order.

This Order shall be effective on the day first above written.

FEDERAL RADIO COMMISSION.
JAMES W. BALDWIN,
Secretary.

1811 4016.

Federal Radio Commission, Washington, D. C.

Explanation of General Order No. 102.

February 26, 1931.

General Order No. 102 of the Federal Radio Commission must be considered together with other General Orders of the Commission and its established policy. General Order No. 40 of this Commission designates six frequencies for use by local stations and restricts the nighttime power of stations of these frequencies to a maximum of 100 watts. The same General Order designates certain frequencies to be occupied by regional stations operating with powers of 250, 500 or 1000 watts at night. General Order No. 40, therefore, would prohibit the operation of a station using more than 100 watts power on any of the six local frequencies. The established policy of the Commission, based on what is believed to be sound engineering and economic principles, has been to authorize no 100-watt stations to operate at night on regional frequencies.

Applicants for construction permits for local stations (meaning stations operating with the power of 100 watts or less at night) are restricted to the six frequencies designated for that purpose by General Order No. 40 above referred to.

In the final analysis, and from a practical viewpoint, it appears that applications from states which have their quota, or more, of radio facilities assigned to them should, in general, be confined to facilities of a station, or stations, of the same class as that proposed to be constructed and/or operated by the applicant. That is, if the applicant applies for authority to construct or operate a local station in a state which has its quota, or more, the application should be to supplant a local station in that state. Applications for regional assignments should be made for the facilities of a regional station and applications for clear-channel assignments should be for the facilities of a clear-channel station.

In some cases, however, where facilities of one class can be installed without interference but the state and/or zone has its quota already assigned then applications may be made for all or part of the facilities of any station of any class in that state or zone. In this case the applicant should specify the facility which he desires to have transferred.

FEDERAL RADIO COMMISSION,
By JAMES W. BALDWIN,
Secretary.

1812 2705.

Minutes of the Federal Radio Commission.

Minute #235, June 25, 1930, 10:30 A. M.

Present: Commissioners Saltzman, Chairman, Sykes, Starbuck, Lafount and Robinson.

Rules and Regulations.

Upon motion duly made and carried the Commission adopted the following order:

It is ordered that four hundred of the units set forth in General Order 92 be regarded as the maximum number of units for the United States to be equally divided among the zones in accordance with the Radio Act of 1927 as amended.

JAMES W. BALDWIN,
Secretary.

1813 2990.

Federal Radio Commission, Washington, D. C.

August 19, 1930.

Upon motion duly made and carried, the Commission adopted the figures officially released by the Bureau of the Census of the Department of Commerce under date of August 8, 1930, in its "Preliminary Announcement of Population of the United States; 1930" as the basis for computing the quota of radio facilities due each state under the Radio Act of 1927 as amended, and directed that these figures be used pending the compilation of the final figures of the official census of the United States for 1930:

1813 — First Zone.

	Population, zones and States.		Percentage of total zone facilities due each State.		Total units due each State.		Total units assigned each State as of July 31, 1930.	Total units under or over quota as of July 31, 1930.	
	1928.	1930.	1928.	1930.	1928.	1930.		1928.	1930.
Conn	1,667,000	1,604,711	6.00	5.58	4.87	4.46	3.62	— 1.25	— 0.84
Del.	244,000	238,380	.90	.83	.71	.67	0.7	— 0.01	+ 0.03
D. C.	522,000	486,869	2.00	1.67	1.53	1.33	1.3	— 0.23	— 0.03
Maine	795,000	800,056	2.90	2.78	2.33	2.22	2.0	— 0.33	— 0.22
Md.	1,616,000	1,629,321	5.90	5.70	7.73	4.56	3.8	— 0.93	— 0.76
Mass.	4,290,090	4,253,646	15.50	14.80	12.54	11.85	10.08	— 2.46	— 1.77
N. H.	456,000	455,293	1.50	1.64	1.34	1.31	0.2	— 1.14	— 1.11
N. J.	3,821,000	4,028,027	13.90	14.01	11.18	11.21	11.43	+ 0.25	+ 0.22
N. Y.	11,550,000	12,619,503	42.10	43.87	33.37	35.10	38.65	+ 4.88	+ 3.55
R. I.	716,000	687,232	2.50	2.39	2.10	1.91	1.4	— 0.70	— 0.51
Vt.	352,428	359,092	1.30	1.25	1.03	1.00	0.3	— 0.73	— 0.70
P. R.	1,299,809	1,543,913	4.60	5.40	3.80	4.32	0.6	— 3.20	— 3.72
V. I.	26,051	22,012	.90	.08	.07	.06	.0	— 0.07	— 0.06
	27,355,288	28,738,055	100.00	100.00	80.00	80.00	74.08	— 5.92	— 5.92

1814 — Second Zone.

Ky.	2,553,000	2,623,668	9.08	9.42	7.26	7.54	7.62	+ 0.36	+ 0.08
Mich.	4,591,000	4,842,280	16.32	17.36	13.06	13.88	10.90	— 2.16	— 2.98
Ohio	6,826,000	6,639,837	24.28	23.80	19.42	19.05	18.55	— 0.87	— 0.50
Pa.	9,854,000	9,640,802	35.05	34.56	28.03	27.64	19.17	— 8.86	— 8.47
Va.	2,575,000	2,419,471	9.15	8.67	7.33	6.94	9.50	+ 2.17	+ 2.56
W. Va.	1,724,000	1,728,510	6.12	6.19	4.90	4.95	3.60	— 1.30	— 1.36
Total	28,123,000	27,894,568	100.00	100.00	80.00	80.00	69.34	—10.66	—10.66

1815 — Third Zone.

Ala.	2,573,000	2,645,297	9.15	9.23	7.33	7.39	4.50	— 2.83	— 2.89
Ark	1,944,000	1,853,981	6.90	6.46	5.54	5.17	4.40	— 1.14	— .77
Fla.	1,411,000	1,466,625	5.10	5.11	4.02	4.09	8.35	+ 4.33	+ 4.26
Ga.	3,203,000	2,902,443	11.44	10.11	9.12	8.09	7.60	— 1.52	— .49
La.	1,950,000	2,094,496	6.94	7.29	5.55	5.83	8.50	+ 2.95	+ 2.67
Miss.	1,790,000	2,007,979	6.35	7.00	5.10	5.60	2.60	— 2.50	— 3.00
N. C.	2,938,000	3,170,287	10.45	11.05	8.37	8.83	7.82	— .55	— 1.01
Okla.	2,426,000	2,391,777	8.63	8.34	6.91	6.67	7.75	+ .84	+ 1.08
S. C.	1,864,000	1,732,567	6.60	6.03	5.31	4.82	1.70	— 3.61	— 3.12
Tenn.	2,502,000	2,608,759	8.90	9.10	7.13	7.29	13.0	+ 5.87	+ 5.71
Texas	5,487,000	5,821,272	19.54	20.28	15.62	16.22	22.77	+ 7.15	+ 6.55
Total	28,088,000	28,695,483	100.00	100.00	80.00	80.00	88.99	+ 8.99	+ 8.99

1816 — Fourth Zone.

Ill.	7,396,000	7,607,684	27.60	28.16	22.08	22.50	32.80	+10.72	+10.30
Ind.	3,176,000	3,225,600	11.85	11.94	9.40	9.53	6.07	— 3.42	— 3.46
Iowa	2,428,000	2,467,900	9.07	9.12	7.25	7.30	12.62	+ 5.37	+ 5.32
Kans.	1,835,000	1,879,946	6.85	6.94	5.48	5.56	4.81	— 0.67	— 0.75
Min.	2,722,000	2,566,445	10.17	9.48	8.13	7.59	9.01	+ 0.88	+ 1.42
Mo.	3,523,000	3,620,961	13.15	13.40	10.52	10.72	12.0	+ 1.48	+ 1.28
Nebr.	1,408,000	1,378,900	5.25	5.10	4.21	4.08	5.83	+ 1.62	+ 1.75
N. Dak.	641,192	682,448	2.39	2.52	1.92	2.02	2.30	+ 0.38	+ 0.28
S. Dak.	704,000	690,755	2.63	2.55	2.10	2.04	3.41	+ 1.31	+ 1.37
Wisc.	2,953,000	2,930,282	11.04	10.83	8.82	8.66	7.33	— 1.49	— 1.33
Total	26,786,192	27,050,921	100.00	100.00	80.00	80.00	96.18	+16.18	+16.18

1817

Fifth Zone.

	Population, zones and States.		Percentage of total zone facilities due each State.		Total units due each State.		Total units assigned each State as of July 31, 1930.	Total units under or over quota as of July 31, 1930.	
	1928.	1930.	1928.	1930.	1928.	1930.		1928.	1930.
Ariz.	474,000	435,833	4.20	3.53	3.37	2.83	2.60	— 0.77	— 0.23
Calif.	4,556,000	5,672,009	40.44	46.06	32.34	36.85	39.53	+ 7.19	+ 2.68
Colo.	1,090,000	1,035,043	9.67	8.42	7.74	6.74	9.62	+ 1.88	+ 2.88
Idaho	546,000	445,837	4.84	3.62	3.88	2.89	2.25	— 1.63	— 0.64
Mont.	548,889	536,332	4.87	4.35	3.90	3.48	2.90	— 1.0	— 0.58
Nev.	77,407	90,981	.68	.74	.55	.59	0.80	+ 0.25	+ 0.21
N. Mex.	396,000	427,216	3.51	3.47	2.81	2.77	2.37	— 0.44	— 0.40
Oreg.	902,000	952,691	8.00	7.74	6.41	6.19	8.41	+ 2.00	+ 2.22
Utah	531,000	502,582	4.70	4.08	3.77	3.27	6.60	+ 2.83	+ 3.33
Wash.	1,587,000	1,561,967	14.08	12.70	11.27	10.16	15.92	+ 4.65	+ 5.76
Wyo.	247,000	224,597	2.19	1.82	1.75	1.46	.20	— 1.55	— 1.26
Alaska	55,036	58,758	.48	.48	.39	.38	1.00	+ 0.61	+ 0.62
Hawaii	255,912	368,336	2.27	2.99	1.82	2.39	1.60	— 0.22	— 0.79
Total	11,266,244	12,312,182	100.00	100.00	80.00	80.00	93.80	+13.80	+13.80

1818 Assignments as of July 31, 1930.

TABLE No. 1.

Number of Units Over and Under Quota Due.

State	1928 pop. over	State.	1930 pop. over
Ill.	10.72	Ill.	10.30
Calif.	7.19	Texas	6.55
Texas	7.15	Wash.	5.76
Tenn.	5.87	Tenn.	5.71
Iowa	5.37	Iowa	5.32
New York	4.88	Florida	4.26
Wash.	4.65	New York	3.55
Florida	4.33	Utah	3.33
La.	2.95	Colo.	2.88
Utah	2.83	Calif.	2.68
Va.	2.17	La.	2.67
Oregon	2.00	Va.	2.56
Colo.	1.88	Oregon	2.22
Nebr.	1.62	Nebr.	1.75
Mo.	1.48	Minn.	1.42
S. Dak.	1.31	S. Dak.	1.37
Minn.	0.88	Mo.	1.28
Okla.	0.84	Okla.	1.08
Alaska	0.61	Alaska	0.62
N. Dak.	0.36	N. Dak.	0.28
Ky.	0.36	N. J.	0.22
N. J.	0.25	Nev.	0.21
Nev.	0.25	Ky.	0.08
		Del.	0.03
	Under.		Under.
Del.	0.01	D. C.	0.03
V. I.	0.07	V. I.	0.06
Hawaii	0.22	Maine	0.22
D. C.	0.23	Ariz.	0.23
Maine	0.33	N. Mex.	0.40
N. Mex.	0.44	Ga.	0.49
N. Car.	0.55	Ohio	0.50
Kans.	0.67	R. I.	0.51

State.	Under.	State.	Under.
R. I.	0.70	Mont.	0.58
Vt.	0.73	Idaho	0.64
Ariz.	0.77	Vt.	0.70
Ohio	0.87	Kans.	0.75
Md.	0.93	Md.	0.76
Mont.	1.00	Ark.	0.77
N. H.	1.14	Hawaii	0.79
Ark.	1.14	Conn.	0.84
Conn.	1.25	N. Car.	1.01
1819			
W. Va.	1.30	N. H.	1.11
Wisc.	1.49	Wyo.	1.26
Ga.	1.52	Wisc.	1.33
Wyo.	1.55	W. Va.	1.35
Idaho	1.63	Mass.	1.77
Mich.	2.16	Ala.	2.89
Mass.	2.46	Mich.	2.98
Miss.	2.50	Miss.	3.00
Ala.	2.83	S. Car.	3.12
P. R.	3.20	Ind.	3.46
Ind.	3.42	P. R.	3.72
S. Car.	3.61	Pa.	8.47
Pa.	8.86		

1820 Assignments as of July 31, 1930.

TABLE No. 2.

Percentage of Units Over and Under Quota Due.

State	1928 pop. over	State.	1930 pop. over
Alaska	156	Alaska	163
Florida	108	Florida	104
Tenn.	82	Utah	102
Utah	75	Tenn.	78
Iowa	74	Iowa	73
S. Dak.	62	S. Dak.	67
La.	53	Wash.	57
Ill.	49	La.	46
Texas	46	Ill.	46

State	1928 pop. over	State.	1930 pop. over
Nev.	45	Nebr.	43
Wash.	41	Colo.	43
Nebr.	38	Texas	40
Va.	30	Va.	37
Oregon	30	Oregon	36
Colo.	24	Nev.	35
Calif.	22	Minn.	19
N. Dak.	19	Okla.	16
N. Y.	14	N. Dak.	14
Mo.	14	Mo.	12
Okla.	12	N. Y.	10
Minn.	11	Calif.	7
Ky.	5	Del.	5
N. J.	2	N. J.	2
		Ky.	1
	Under.		Under.
Del.	2	D. C.	2
Ohio	4	Ohio	3
N. Car.	7	Ga.	6
Kans.	12	Ariz.	8
Hawaii	12	Maine	10
Maine	14	N. Car.	11
D. C.	15	Kans.	13
N. Mex.	16	N. Mex.	14
Wisc.	17	Mass.	15
Ga.	17	Ark.	15
Mich.	17	Wisc.	15
Mass.	20	Mont.	17
Md.	20	Md.	17
Ark.	20	Conn.	19
Ariz.	23	Mich.	21
Conn.	26	Idaho	22
Mont.	26	W. Va.	27
W. Va.	27	R. I.	27
Pa.	32	Pa.	31
1821			
R. I.	33	Hawaii	33
Ind.	36	Ind.	36
Ala.	39	Ala.	40

State.	Under.	State.	Under.
Idaho	42	Miss.	53
Miss.	49	S. Car.	65
S. Car.	68	Vt.	70
Vt.	71	N. H.	85
P. R.	84	P. R.	86
N. H.	85	Wyo.	86
Wyo.	89	V. I.	100
V. I.	100		

1822 5145.

Federal Radio Commission, Washington, D. C.

Examiner's Report No. 235.

Docket No. 1156.

In re Application of JOHNSON-KENNEDY RADIO CORPORATION (Station WJKS), Gary, Indiana, for Modification of License. Requested Assignment: Frequency, 560 Kc.; Power, 1 Kw. night, 1,250 Watts to Local Sunset; Hours of Operation, Unlimited. Present Assignment: Frequency, 1,360 Kc.; Power, 1 Kw. Night, 1,250 Watts to Local Sunset; Hours of Operation, Shares Time with Station WGES.

Report of Ellis A. Yost, Chief Examiner.

Heard April 23rd to 30th, 1931.

Appearances:

Mrs. Mabel Walker Willebrandt for applicant.

Levi Cook and J. S. Boyd for Station WIBO, Chicago, Ill., respondent.

Edward Clifford for Station WPCC, Chicago, Ill., respondent.

Hon. Gilbert Bettman, Attorney General of the State of Ohio, for Station WEAO, Columbus, Ohio, respondent.

Ralph S. Fowler for Station WISJ, Milwaukee, Wis., respondent.

For the Commission: Paul D. P. Spearman and Hobart Newman.

1823 This relates to the application of Johnson-Kennedy Radio Corporation, owners and operators of Station WJKS at Gary, Indiana, operating on a frequency of 1360 kc., with a power output of 1 KW. night and 1250 watts to local sunset, and sharing time with Station WGES. The applicant requests the 560 kc. frequency now assigned to Stations WIBO and WPCC, both of Chicago, Illinois.

Gary, Indiana, the largest steel center in the world, is separated from the center of Chicago by approximately 30 miles, has a population of approximately 110,000, and is located in what is known as the Calumet Region, which has a population of approximately 800,000, 60% of whom are foreign born, representing 56 nationalities.

The principle industry of the Calumet Region is the manufacturing of steel. Ninety per cent of the inhabitants of this region depend directly or indirectly for employment and livelihood upon the steel industry.

Thomas J. Johnson is President of the Johnson-Kennedy Radio Corporation, Mrs. Johnson is Vice-President, and Ralph L. Atlass, formerly associated with Station WBBM at Chicago, is Treasurer.

Mr. and Mrs. Johnson own 50% of the stock of the Johnson-Kennedy Radio Corporation, and Ralph L. Atlass owns the remaining 50%. Mr. Johnson estimates the joint assets of himself and Mrs. Johnson to be in excess of $900,000.

The Johnson-Kennedy Radio Corporation, the applicant, is a corporation organized under the laws of the State of Indiana, with a paid-up capital stock of $30,000—$20,000 common and $10,000 preferred stock having been issued. The corporation has no other interests than owning and operating Station WJKS. Mr. Johnson estimated the value of Station WJKS to be between $75,000 and $100,000. However, testimony disclosed that 50% of the stock of applicant corporation had recently been sold to Mr. Atlass for $15,000.

During the progress of the hearing the depositions of 23 persons residing at Gary, Indiana, taken pursuant to authority of the Federal Radio Commission and upon written request of Johnson-Kennedy Radio Corporation, were tendered on behalf of the applicant. It appears from the record that the Commission granted authority on Friday,

April 17, 1931, to take these depositions on Monday, April 20, 1931, at 1 p. m., before Mr. Thad Menczynski, a Notary Public for Lake County, State of Indiana, in the office of said Menczynski at 1710 Broadway, Gary, Indiana. Attorneys for respondent, Station WIBO, objected to the admission of said depositions on the ground that no notice had been given this respondent prior to the time of the taking of such depositions. The envelope containing notice to take such depositions, mailed to "Nelson Brothers Bond & Mortgage Company, 134 North La Salle Street, Chicago, Ill.," bears the postmark "Washington, D. C., April 18, 3:30 p. m., 1931." The notice itself, which bears the stamp of the Nelson Brothers Bond & Mortgage Company, indicates that the notice was received at the office of the Nelson Brothers Bond & Mortgage Company, "April 20, 1931, a. m." Mr. A. E. Nelson, President of the Nelson Brothers Bond & Mortgage Company and Manager of Station WIBO, testified, however, that the notice did not reach his desk until 2:30 p. m., Monday, April 20, 1931,
1824 which gave him the first information that these depositions were to be taken. When the depositions were offered, ruling as to their admissibility was reserved, which ruling now is that these depositions be admitted. In making this ruling, the Examiner desires to make it clear that he in no way intends to discredit or reflect upon the testimony of Mr. Nelson relative to the hour the notice to take these depositions was delivered to the office of Nelson Brothers Bond & Mortgage Company. The Examiner realizes that the question of the time of receipt of such notice is a close one, but is of the opinion that the notice was delivered to the office of Nelson Brothers Bond & Mortgage Company in the forenoon of April 20, 1931, without the knowledge of Mr. Nelson.

The notice given in this case could scarcely be regarded as sufficient, but the character of evidence taken under the notice is such as not to admit of serious refutation, and the Examiner has reached the conclusion that no adverse effect would result to respondents from consideration of this testimony.

Much of the testimony in the depositions is inadmissible due to the fact that it reflects only the personal opinions of the witnesses, all of whom were called by the applicant and

questioned by Mr. Thomas J. Johnson without being cross-examined.

Mr. Johnson testified that Station WJKS serves the foreign born people by putting on programs in their own language and presented by their own people. Programs are broadcast for the Hungarian, Italian, Mexican, Spanish, German, Russian, Polish, Croatian, Lithuanian, Scotch and Irish people. These programs are musical, educational and instructive in American citizenship ideals, and stress loyalty to the community and to the Nation. The station cooperates with the school officials, the teachers and the parent-teachers associations.

Station WJKS now broadcasts as follows: 6 or 7 a. m. to 8:30 a. m.; 11 a. m. to 4 p. m.; 7 p. m. to 9 p. m.; 10:30 p. m. to 12 p. m.

By arrangements with Station WGES, on four nights a week, Monday, Tuesday, Wednesday and Saturday, continues broadcasting until early hours of the morning.

This station has no chain affiliations.

While the division of time is a handicap, in the opinion of Mr. Johnson, the biggest handicap is interference within a radius of 6, 8 and 10 miles of the transmitter.

Mr. Johnson avers no station covers Gary and surrounding territory which renders the kind of programs broadcast by Station WJKS and so well adapted to the peculiar needs of a community that is unlike other communi-
1825 ties for which the conventional program is arranged.

There is a standing order with the police department to use the station at any time. In 1929, 21 police cars were equipped with radios at the expense of Station WJKS. There is an outstanding invitation to every fraternal and religious organization in the Calumet Region to use the facilities of the station without cost.

Every night Station WJKS puts on the "Elks Toast" from the lodge room of Elks Building and for the past three years has put on a Radio Chapel Hour at 12 o'clock each day.

Sunday programs consist principally of church service broadcasts, including all churches and denominations of the community which desire to participate, even churches outside of Gary, and the Judge Gary-Bishop Aldering Settlement House.

The cost of talent per week is about $300. Total expenses for help about $700. Cost of operation is about $30,000 to $40,000 per year. Station WJKS has from 15 to 25 employees. The revenue of the applicant is derived from the sale of spot announcements. Applicant has in its treasury the sum of $10,000 in cash.

Because of the peculiar industrial conditions existing in Gary and the Calumet Region, whereby three shifts are constantly employed in the steel mills in a work day, it would be desirable, Mr. Johnson thinks, to have the programs of Station WJKS presented without limitation.

Station WJKS is the only station licensed by the Federal Radio Commission located in this area with sufficient power to enable it to serve any substantial portion of the Calumet Region with excellent or even good service.

Mr. Frank B. Falknor, expert engineer, testified that the transmitter of Station WJKS is a composite transmitter capable of delivering 1000 watts to the transmitter with 100% modulation. The witness made examination of the equipment. He made no measurements of efficiency in order to determine losses and could not account for apparent excessive loss in power amplifier. He made no survey of any location in the vicinity of Gary and did not know ground resistance, the efficiency of the antenna at Station WJKS, or whether or not there were any losses in the antenna system, took field strength measurements of Station WJKS on two nights only, for a duration of one and one-half hours on each night. On one night the interference level was too low to measure. On another night the ratio was approximately 15 to 1.

In its normal service area the station lays down a signal of sufficient strength to give good reception if not interfered with.

Observations reveal heterodyne and cross-talk within three miles of applicant's transmitter and regular interference within its good service area.

Field strength measuring equipment was non-standard and had not been compared or calibrated with any other equipment to determine the accuracy of its results.

1826 No field strength measurements were taken of any Chicago stations or of any stations other than Sta-

tion WJKS and stations that apparently interfered on 1360 kc. No scientific search was made to determine whether or not interference would exist at Gary on 560 kc.

An increase in the ratio of field strength from Station WJKS over that of the interference would reduce the objectionable character of interference.

The Calumet area is served by Station WJKS and Station WOWO at Fort Wayne, which are part time stations, and in addition several stations in Chicago serve Gary and northern Indiana.

The field strength measurements taken by the witness, indicated that an average signal strength of 2000 microvolts per meter was delivered at a distance of 30 miles from the transmitter, which is 5 miles less than that of the average station of 1 KW. power.

From the testimony of V. Ford Greaves, engineer for the Commission, it may be stated:

Gary and northern Indiana are adequately served from several stations.

While Indiana receives and enjoys service from radio stations in Chicago, particularly clear channel stations assigned to the Fourth Zone, it is not charged with any quota with respect to reception.

Illinois is due 7.1 regional channel units and is assigned 2.95 regional channel units, being now under-quota in regional channels. The removal of Stations WIBO and WPCC from 560 kc. frequency and failure to relicense the same stations, would increase the deficiency by .69 units.

Interference is usually present on regional channels; the definition of a regional channel station being one in which the service area is restricted by unavoidable interference.

Testimony of A. D. Ring, engineer for the Commission, may be summarized as follows:

Illinois is over-quota in total radio facilities by 40% or 11.15 units, but is under-quota in regional station facilities by approxmately 60% or 4.36 units.

Indiana is under-quota in total radio facilities by approximately 20%. Indiana is under-quota in regional station facilities by 18% or 0.57 units.

1827 The substitution of Station WJKS for Stations WIBO and WPCC on the 560 kc. frequency, would mean decreasing Illinois' regional station quota so that it would be approximately 72% under-quota in that class of

stations, and would increase Indiana's quota to within 4.5% of that due on regional stations.

Several Fourth Zone clear channel stations render good radio service to northern Indiana, including the Calumet district, in which is located Gary, and Station WJKS.

Several Chicago stations serve Gary, Indiana, and vicinity.

The change from 1360 kc. to 560 kc. for Station WJKS would not materially increase the field strength pattern of Station WJKS so that the listener would be able to detect the difference in volume.

Changing Station WJKS to 560 kc. in all probability would not materially improve conditions in so far as expected interference is concerned, because there are more stations on 560 kc. and adjacent channels which are less than the recommended distances from Gary than there are on 1360 kc. and adjacent channels.

In shifting the frequency of Station WJKS from 1360 kc. to 560 kc., the mere moving of this frequency of 560 kc. from Chicago to Gary would not materially increase the interference with other stations. However, the antenna structure and local ground conditions would be the determining factors, rather than the use of the 560 kc. frequency by Station WJKS at Gary, instead of Stations WIBO and WPCC at Chicago, in ascertaining whether the interference was increased in so far as other stations on 560 kc. were concerned. Thus conditions with respect to interference to distant stations on 560 kc. and adjacent channels are bound to be changed, if Station WJKS uses 560 kc., with just as much chance of making interference conditions worse as making them better.

An antenna with a large amount of flat top will cause greater interference at a distance than an antenna which is designed to eliminate a proportion of sky wave radiation.

Any change in the equipment or antenna system whereby the energy is radiated more on the horizontal plane would undoubtedly result in an improvement in the service of Station WJKS.

A signal strength of 10,000 microvolts per meter may be expected from a 1000 watt station at a distance of 9 miles, thus giving excellent city service at this distance.

A signal strength of 2,000 microvolts per meter may be

expected from a 1000 watt station at a distance of 35 miles, thus giving good residential service at this distance.

T. A. M. Craven, expert engineer, testified on behalf of Station WIBO, as follows:

1828 1. Investigations regarding regional channel radio stations involved in changes of frequency to avoid interference should be comprehensive and thorough and should show conclusively the following:

(a) The sources, degree and character of the interference and that this interference is consistently greater than that usually encountered in the service of regional stations in general.

(b) Field strength contours of a station applying for a change in frequency should show whether or not the service being rendered is equivalent to the average to be expected with respect to signal strength.

(c) The efficiency of the applicant's equipment and installation as well as the location, should show whether or not an improvement in the ratio of the service signal to that of the interference could be accomplished by changes in the applicant's equipment or location.

(d) A survey of the interference conditions on the frequency applied for should show conclusively whether or not the proposed shift will be materially beneficial in the locality of the applicant station.

(e) Sufficient data should be submitted to permit an estimate as to whether or not the proposed shift in frequency at the applicant station will change materially the interference to other stations.

(f) A description of the apparatus and methods employed in making the investigations should be submitted in order that the resulting measurements may be interpolated with known standards in order to arrive at accurate comparisons.

2. The installation of precise frequency control at all stations using 1360 kc. will result in a substantial improvement in the interference conditions in and around Gary, by reason of the fact that the audible heterodyne would be changed to an inaudible value and thus minimize the objectionable character of this type of interference.

3. Interference can be minimized by the employment of antennas which do not radiate sky waves sufficiently. The

utilization of such an antenna at the various stations on 1360 kc. would result in an improvement in the service of Station WJKS as well as the other stations.

4. The ratio of service signal to interference can be made larger and thus reduce interference, if antenna efficiency with respect to ground wave radiation is increased. The antenna at Station WJKS seemed to be susceptible to such improvement.

5. Insufficient technical data have been presented by Station WJKS to permit the formulation of accurate conclusions with respect to their equipment. The data with respect to field strength measurements of Station WJKS is far too sparse and taken over too short a period with uncalibrated instruments to warrant any accurate conclusions either with respect to interference, efficiency
1829 of Station WJKS, or whether interference existed to a substantial degree greater than that usually encountered in the service area of regional stations.

From the testimony of Alvin E. Nelson, President of the Nelson Brothers Bond & Mortgage Corporation, and Manager of Station WIBO, it may be stated:

Nelson Brothers Bond & Mortgage Corporation is engaged in first mortgage and real estate business, and owns and operates Radio Station WIBO, located at Chicago. The business of Station WIBO is conducted as a separate business from the mortgage business and a separate set of books, records and bank account is kept. Nelson Brothers Bond & Mortgage Corporation was rated in Bradstreet as of January 1, 1931, as having a first credit standing of between $300,000 and $500,000.

Receipts of Station WIBO from March 1, 1931 to April 22, 1931, were $28,252.72. During the month of March this station earned a net profit of between $9,000 and $10,000. A total of 55 persons are employed in the operation of Station WIBO. Total operating monthly expenses run from $16,000 to $18,000.

This company has an authorized capital of $1,000,000 preferred stock, with $771,500 outstanding; authorized common stock of $100,000, with $94,270 outstanding.

Station WIBO represents a total cost of $346,362.99, less a reserve for depreciation of $54,627.36, leaving total fixed assets in Station WIBO of $291,735.63. On an earning

basis he estimated this station's worth as between $500,000 and $700,000.

This station has been in continuous operation since April 14, 1925, is strictly a commercial station and serves a radius of from 50 to 100 miles. By action of the Federal Radio Commission on November 27, 1928, Stations WIBO, WISJ and WPCC were assigned to the 560 kc. frequency.

Station WPCC, respondent, owned and operated by the North Shore Church, and assigned to the 560 kc. channel, broadcasts religious programs, including sermons, religious music and presentation of the work which the Church is promoting and supporting.

As set forth in Examiner's Report No. 166, dated May 14, 1931, this Examiner found Station WIBO to be serving public interest, convenience and necessity on its present assigned frequency of 560 kc., sharing time with Station WPCC.

1830 As set forth in Examiner's Report No. 188, dated June 13, 1931, this Examiner found Station WPCC to be serving public interest, convenience and necessity on its present assigned frequency of 560 kc., sharing time with Station WIBO.

Station WISJ, respondent, was by recent action of the Commission consolidated with Station WIBA and definitely assigned to the frequency of 1280 kc., and will not be considered further in connection with this report.

Hon. Gilbert Bettman, Attorney General of the State of Ohio, appeared for Station WEAO, owned and operated by the Ohio State University, and operating on the frequency of 570 kc., and protested the granting of this application on the ground that it would reduce the outer service area of this station in northwestern Ohio from 140 to 120 miles.

Stations operating on the 1360 kc. frequency and the frequencies immediately adjacent thereto, which are separated from Gary by less than the recommended geographical separation, are as follows:

Station.	Location.	Power.	Actual separation.	Recommended separation.
WFBL	Syracuse, N. Y.	1 KW.	600 miles	1,200 miles
WCSC	Charleston, S. C.	500 w.	750 miles	1,050 miles
On the frequency 1,350 kc.:				
KWK	St. Louis, Mo.	1 KW.	260 miles	350 miles
On the frequency 1,370 kc.:				
WRJN	Racine, Wis.	100 w.	90 miles	210 miles
WGL	Fort Wayne, Ind.	100 w.	115 miles	210 miles

Stations operating on the 560 kc. frequency and the frequencies immediately adjacent thereto, which are separated from Gary by less than the recommended geographical separation, are as follows:

Station.	Location.	Power.	Actual separation.	Recommended separation.
WNOX	Knoxville, Tenn.....	1 KW.	440 miles	1,200 miles
WLIT	Philadelphia, Pa.....	500 w.	670 miles	1,050 miles
KFBM	Beaumont, Texas.....	500 w.	900 miles	1,050 miles
KLZ	Denver, Colo.....	1 KW.	920 miles	1,200 miles
On the frequency of 550 kc.:				
WKBC	Cincinnati, Ohio.....	1 KW.	225 miles	350 miles
On the frequency of 570 kc.:				
WEAO	Columbus, Ohio.....	1 KW.	250 miles	350 miles

1831 The State of Illinois is due a total of 22.50 units of radio broadcasting facilities, and is assigned a total of 33.84 units of such facilities. The State of Indiana is due a total of 9.53 units of radio broadcasting facilities, and is assigned a total of 7.47 of such facilities.

The State of Illinois is due a total of 7.31 units of radio broadcasting regional facilities, and is assigned a total of 3.14 units of such facilities. The State of Indiana is due a total of 3.10 units of radio broadcasting regional facilities, and is assigned a total of 2.53 units of such facilities.

The granting of this application would reduce the over-quota status of the State of Illinois by .88 units, and would increase the under-quota status of the State of Indiana by .43 units.

This application was filed pursuant to sub-paragraph 2 of Paragraph 4 of Commission General Order No. 102, which provides:

"Applications from under-quota states in zones which have already allocated to them their pro rata share of radio facilities should be for a facility already in use in that zone by an over-quota state."

The Court of Appeals of the District of Columbia, in the case of the Chicago Federation of Labor (Station WCFL) vs. Federal Radio Commission, (41 Fed. (2nd) 422), said:

"It is not consistent with true public convenience, interest, or necessity that meritorious stations * * * should be deprived of broadcasting privileges when once

granted to them which they have at great cost prepared themselves to exercise, unless clear and sound reasons of public policy demand such action. The cause of independent broadcasting in general would be seriously endangered and public interests correspondingly prejudiced if the licenses of established stations should arbitrarily be withdrawn from them and appropriated to the use of other stations."

Conclusions.

1. The burden is upon the applicant seeking the frequency assigned another station, to prove by a preponderance of the evidence that public interest, convenience and/or necessity would be served by assigning applicant the frequency sought.

1832 2. The applicant failed to prove that less objectionable interference would result from the operation of Station WJKS at Gary on the 560 kc. channel than now results from the operation of this station at Gary on its present assigned frequency of 1360 kc.

3. General Order No. 116, requiring all radio broadcasting stations operating between 550 kc. and 1500 kc., to maintain their assigned frequencies within the limits of 50 cycles above and 50 cycles below such frequencies, should, when in effect, reduce the interference now occurring within the service area of Station WJKS and as a consequence improve the service of this station.

4. Applicant station, WJKS, is rendering a commendable public service on its present part time assignment on the 1360 kc. channel. However, the service of Station WJKS would be improved by the installation of the most modern radio equipment and the operation of this station in the most efficient manner on its present frequency.

5. It is possible more objectionable interference would result from the operation of Station WJKS on the 560 kc. channel than now results from the operation of this station at Gary on the 1360 kc. channel, since Station WNOX at Knoxville, Tenn., is separated from Gary by a distance of only 440 miles, whereas the nearest station on applicant's present assigned frequency, operating with 1 kw., is at Syracuse, N. Y., separated from Gary by a distance of 600 miles.

6. Stations WIBO and WPCC are meritorious stations, serving public interest, convenience and necessity. The owners and operators of these stations have at great cost prepared themselves to exercise the broadcasting privileges heretofore granted them by the Federal Radio Commission, and in the opinion of the Examiner, clear and sound reasons of public policy demand that these broadcasting privileges be not taken from them and assigned to applicant station.

7. Stations WIBO and WPCC provide radio service for the people within the service area of applicant station.

8. The people of Gary and the Calumet Region receive a large proportion of their radio broadcasting service from stations operating in the State of Illinois, none of which service may be charged against the quota of the State of Indiana.

9. In the opinion of the Examiner, there is nothing in the Radio Act of 1927, the Davis Amendment thereto, or the Commission's General Order No. 102, to justify the granting of this application, involving as it does the practical destruction of Stations WIBO and WPCC, erected, as they have been at great cost, operating by authority of the Federal Radio Commission, and now serving public interest, convenience and necessity. Moreover the applicant failed to prove to the satisfaction of the Examiner that the granting of this application would serve public interest, convenience and necessity.

1833 Recommendation.

In consideration of the foregoing it is recommended that the application of Johnson-Kennedy Radio Corporation for use of the 560 kc. channel now assigned to Stations WIBO and WPCC, be denied.

ELLIS A. YOST,
Chief Examiner.

Submitted July 28, 1931.

1834 Federal Radio Commission. Received Aug. 14, 1931. James W. Baldwin, Secretary.

Federal Radio Commission, Washington, D. C.

Docket No. 1156 (4-ML-B-667).

In re Application of JOHNSON-KENNEDY RADIO CORPORATION (Station WJKS), Gary, Indiana, for Modification of License. Requested Assignment: Frequency, 560 Kc.; Power, 1 Kw. Night, 1,250 Watts to Local Sunset; Hours of Operation, Unlimited. Present Assignment: Frequency, 1,360 Kc.; Power, 1 Kw. Night, 1,250 Watts to Local Sunset; Hours of Operation, Shares Time with Station WGES.

Appearances:

Mrs. Mabel Walker Willebrandt for applicant.

Levi Cook and J. S. Boyd for Station WIBO, Chicago, Ill., respondent.

Edward Clifford for Station WPCC, Chicago, Ill., respondent.

Hon. Gilbert Bettman, for Station WEAO, Columbus, Ohio, respondent.

Ralph S. Fowler for WISJ, Milwaukee, Wis., respondent.

For the Commission: Paul D. P. Spearman and Hobart Newman.

1835 Exceptions to Examiner's Report No. 235.

Statement of the Case.

Station WJKS, at Gary, Indiana, operating on 1360 kc., with 1 KW. night power, and 1250 watts daytime power, sharing time with WGES, made application for full time on 560 kc., which is now used by WIBO and WPCC.

The hearing on this case consumed 7 days, from April 23 to 30, inclusive.

1836 This application was filed pursuant to sub-paragraph 2 of Paragraph 4 of Commission General Order No. 102, which provides:

"Applications from under-quota states in zones which have already allocated to them their pro rata share of

radio facilities should be for a facility already in use in that zone by an over-quota state."

The States of Illinois and Indiana are both in the 4th zone. The 4th zone is over-quota. The State of Illinois is over-quota by 11.15 units. The State of Indiana is under-quota by 9 units. Consequently, WJKS, in Indiana, in compliance with general order 102 applied for the frequency (560 Kc.) and the time of WIBO and WPCC in Illinois.

The Examiner recommended:

"* * * that the application of Johnson-Kennedy Radio Corporation for use of the 560 kc. channel now assigned to Stations WIBO and WPCC, be *denied.*"

Examiner Yost's recommendation should be disregarded. His report is unsound in law, muddled in its application of the Commission's Orders, and biased and unfair in its statement of facts from the record.

Errors.

I.

The above recommendation to this Commission is made by the Examiner in an eleven-page report, discussing 7 days of hearing. The record is long. It consumes 824 pages of testimony. Of necessity, the summary of the evi-
dence would have to omit a great many material
1837 facts held to be admissible at the time of the hearing.

The Examiner's summary of this testimony, however, shows prejudice against Thomas J. Johnson, President of the applicant corporation, and an utter disregard of other supporting testimony. In fact, there is not the slightest reference to the clear corroboration of Johnson's testimony furnished by the witness Morrow (R. 438-552) or the witness Ralph Atlass (R. 316-324 and R. 375-413). The summary of testimony of the Radio Engineers, Frank B. Faulkner (R. 220, 271-316) and A. D. Ring (R. 160-220), is unfair and biased and is practically valueless to this Commission in reviewing the case. As it is set out by the Examiner in his report, pages 4, 5 and 6 thereof, it would appear that these two radio engineers might have testified for the respondents. Every statement that either

of them made to the effect that granting the application would improve the service of the Gary station has been left out. Likewise the opinion of these two radio engineers to the effect that granting this application would not cause objectionable interference to WEAO at Columbus, Ohio, is omitted. A great mass of testimony that station WJKS is operating efficiently, is serving the community needs of an unusual area in the steel mills' region, and has suffered from bad interference and cross talk for over a year, is omitted.

The whole summary of the evidence, set forth by the Examiner on pages 2 to 9, inclusive, of his report, is inaccurate and so full of half truths as to be wholly unreliable for the use of the Commission. The chief error of the Examiner's report is, then, the utter disregard of material facts in the record, as will be more fully hereinafter set forth.

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II.

The Examiner's report is based on confusion, misapplication, and misinterpretation of the law of Congress, the Radio Act of 1927 and the Davis Amendment thereto.

III.

The Examiner's final error is a total disregard of the effect and meaning of the orders of the Federal Radio Commission: (a) he misapplies and misinterprets the Commission's order No. 92, relative to the quota; (b) he renders nugatory the meaning and effect of General Order No. 102.

I.

Summary of Testimony.

(A) WJKS Serves the Public Interest, Convenience, and Necessity.

Thomas J. Johnson, President of Johnson-Kennedy Radio Corporation of Indiana, 540 Lake Street, Gary, Indiana, in 1926 (Johnson R. 33), at the request of officials of the Emerson School of Gary, furnished money and the ground for a radio broadcasting station, which was awarded license in August, 1927 (Johnson R. 34). Gary is a community of homes, having a population of approxi-

mately 110,000 people, but the Calumet region, surrounding the steel mills, along the lake, has a population of between 800,000 and 1,000,000 people, 90 per cent of whom depend upon the steel industry for a living (R. 35); 60 per
1839 cent, or 480,000 of them, are foreigners. Sixty-odd nationalities are in the Calumet region (R. 35). WJKS is the only station in Gary. It fits its programs particularly into the needs of this foreign laboring population. The station is a community center (Morrow R. 462; Johnson R. 84; Atlass R. 379).

1. Foreign Origin Broadcasts.

WJKS allots certain time (at least an hour each day) weekly for colored, Hungarian, Italian, Mexican, Spanish, German, Russian, Polish, Croatian, Lithuanian, Scotch, and Irish talent (Johnson R. 35).

Churches, civic clubs, such as Lions, Rotary, Kiwanis, and social workers' organizations, suggested names from whom a man was chosen as an outstanding American citizen, who is also an outstanding representative of his particular foreign origin group, to lead each foreign-origin broadcast (Morrow R. 463; Johnson R. 36). Mr. Menczynski, Commissioner of Public Safety, and his wife, a former opera singer, are in charge of the Polish programs (Morrow R. 464-465).

The Mexican broadcasts are in charge of Senor Remis, social worker in the city of Gary among the Mexican people. He picks out talented vocalists and musicians, and arranges the weekly Mexican program (Morrow R. 465; Johnson $. 78).

The German program is handled by a practicing physician, who has organized musical clubs among the German people in the Calumet region and selects the most talented to broadcast (Morrow R. 466).

The Hungarian group is known as the Vagabond Gypsies. They are all real Magyars, who play nothing but the unusual Hungarian instruments (Morrow R. 466).

1840 The Italian program is directed by Louis Vacirca, a civic leader among the Italians, a barber by trade (Morrow R. 466-7).

Irish and Scotch leaders present travelogue programs with music and stories from the countries discussed (Morrow R. 467).

The Slavish people, Croatians, Czechs, Slavonians, and Lithuanians, appear on alternating half hours at Sunday afternoon broadcasts, giving without accompaniment choir singing and chants, in which they excel (Morrow R. 467; Johnson R. 77).

All of these foreign leaders are working-people, well known in the Calumet region in their respective racial groups. They act as radio leaders of their nationals as a civic contribution. None are professionals (Morrow R. 467; Johnson R. 36).

The purpose of these programs is to entertain, to stimulate community and racial origin pride and rivalry, to instruct in citizenship and American community ideals and responsibilities (Johnson R. 36). These programs are very much desired and appreciated in the Calumet region (Morrow, R. 467-8; Johnson R. 35).

The station has been flooded with telephone calls and responses to these foreign origin broadcasts (Morrow R. 468-9). The responses by telephone grew so great that it congested the telephone trunk-lines (Morrow R. 469). Leaders and delegations of foreign origin groups, and American civic leaders, appear at the station, stating "these programs are working wonders among their people" (Morrow R. 469). No money is made from these programs. They are a community contribution (Johnson R. 35). The station thus dedicates from eight to fourteen hours a week (Morrow R. 469). The need for more of this kind of community outlet is so great that the station has made this application for full time in order to allot more hours to this type of broadcast (Johnson R. 101; Atlass R. 377, 378; Morrow R. 469, 470).

1841 2. Special Steel Mill Accident Prevention Talks.

Special safety programs are given under the direction of the division of safety inspection of the Illinois Steel Company. This is presented for workmen, explaining the application of new safeguards to various types of machinery used in the steel mills (Morrow R. 470-471; Johnson R. 51, 77).

3. Saturday Afternoon School Children's Amateur Broadcasts.

First aid and prevention of accidents to children are taught. The station maintains the William P. Gleason

Children's Hour (Morrow R. 471, 472; Johnson R. 51). It was first established by the music teacher and auditorium instructor at Jefferson School (Morrow R. 472). Teachers from the public schools refer the pupils who are recommended to broadcast their speeches, debates, songs or recitations (Johnson R. 46; Morrow R. 473 and 474). This broadcast is open and free to all public schools, parochial schools, and music schools throughout the Calumet district (Morrow R. 474; Johnson R. 45). Some Saturdays the station has 150 to 200 children (Morow R. 473). Demands to enlarge this broadcast are very great (Morrow R. 475).

4. Americanization Programs.

This station broadcasts good citizenship talks weekly by judges or civic leaders (Johnson R. 83-84; Morrow R. 461).

5. Time Free for Religious Broadcasts to All Churches.

The churches broadcast free of charge from station WJKS (Johnson R. 54, 55, 88). This includes all denominations (Johnson R. 54, 55, 89; Morrow R. 455-6).

1842 6. Learn-to-Speak-English Programs.

An elementary course in the rudiments of English is given over the air (Morrow R. 457). The same test is used as for beginners in Gary Public Schools. The teachers encourage children to have parents utilize this radio instruction and report "how mother and dad are getting along" (Morrow R. 458). There is a great demand for more of this type of program (Morrow R. 459).

7. Police Cooperation.

Police Department uses the station frequently. Once when a robbery occurred at the theater, prompt broadcast by the police caused the robbers to be apprehended and all the money recovered (Johnson R. 51), and other robbers have been apprehended and lost children found (Johnson R. 52).

8. Community Activities are Supported.

Gary has no community chest, so WJKS given free time to every fraternal, Christmas basket, Salvation Army and Charity enterprise (Johnson R. 52). WJKS collected a

huge milk fund (Johnson R. 53). Radio Chapel Hour is held at 12:00 every day, and the Elks Toast and Chimes are presented every night (Johnson R. 53).

9. WJKS Needs Full Time and Uninterrupted Service to Serve the Calumet District.

The station has been operated for the benefit of the community of Gary (Johnson R. 91, 93; Morrow R. 476). Its purpose in applying for full time is to give "greater accom-odation for our people". The Lane Technical High School and the Carter Harrison School drove down in buses to broadcast their programs. There is a demand to increase the Foreign Origin and Civic Programs. The station has turned down many demands to broadcast community programs because of lack of time (Johnson 101). If full time were granted, the station would enlarge its community broadcasts (Atlass R. 377). Demands
1843 for more time for community broadcasts have been increasing for the last year and a half. Demands come from parents, from civic organizations, from principals of various schools, teachers, assistant superintendents, charity workers, foreign or-gin leaders, and band instructors (Johnson R. 103). WJKS is the *only* station licensed by the Federal Radio Commission, located in Indiana, with sufficient power to serve any substantial portion of the Calumet district with excellent or even good service (Faulkner p. 283, 285, Applicant's Ex. 3; Faulkner p. 279-281, applicant's Exhibit 2).

Chicago stations come into the Calumet region with chain or amusement programs (R. 378), but none of them have any community features like WJKS (R. 60). Because in Gary there is a full 24-hour working day, with three shifts, WJKS must have full time to be effective in reaching each of the three groups with Americanization, Educational, and Entertainment programs (Johnson R. 37, 38, 39; Atlass p. 377-380). WJKS has no chain programs. Its purpose is to develop further the policy of local community service to meet the conditions in that area (R. 378).

(A) Time for Which WJKS is Now Licensed on 1,360 Kc.

6 or 7 a. m. to 8:30 a. m.
11 a. m. to 4 p. m.

7 p. m. to 8 p. m.
10:30 p. m. to 12 p. m.

By arrangements with Station WGES, on four nights a week, Monday, Tuesday, Wednesday and Saturday, continues broadcasting until early hours of the morning.

The above hours are too broken to serve properly, as a regional station should, the public convenience in a region like Gary. *Full time is needed* (R. 117). There is an eager listening public all the time. The Police Chief of Gary testified that for the Police Department to have effective use of this station, it should be on the air and available all the time (Deposition of Chief of Police, 87).

(B) WJKS is Operating its Present Equipment Effic-ently.

Frank P. Faulkner, expert engineer, made an ex-
1844 amination of the equipment of WJKS (R. 271).

It is a composite transmitter. The equipment is in good mechanical and electrical condition (Faulkner R. 222). Inspection showed proper in-put for 1,000 watts, in accordance with General Order 93 (R. 223). The transmitter employs low level modulation and is so arranged as to secure a high percentage of modulation (Faulkner R. 271).

Even Craven, expert witness for respondent WIBO, when speaking of the equipment of WJKS (R. 570), stated: "There were some field strength measurements taken at a point some 30 miles away, which, as I remember, gave results better than would be expected from the average 1 kw. transmitter, and far better than the reputed high-absorption factor of the territory would seem to indicate possible."

The field strength measurements by Mr. Faulkner indicate that the power does not vary greatly from 1,000 watts. WJKS is practically 33⅓ per cent efficient (R. 310). Difficulties in reception from WJKS will not be cured by an increase in power (Faulkner R. 309).

WIBO has a composite set of substantially the same type as WJKS (Faulkner R. 311).

(C) WJKS Suffers from Constant Interference.

There is distinct interference from WBFL in Syracuse. The witness Johnson said in cross-examination (P. 100):

"I have had specific complaints as to interference and back-talk and whistles, etc., and that our programs were

interfered with—any number of them—so much so that I have taken two trips to Washington for the purpose of trying to get them to relieve the situation. * * * I have been around and heard it and others have heard it.

"Q. Have you asked to have any check-up made by the radio engineers? A. I have written several letters to the Commission and complained in Chicago.

1845 "Q. Have you had a check-up made of your own transmitter to see whether or not the fault is there? A. Yes, the engineer checks up.

"Q. What did you find? A. I could not understand it. He said it was interference from outside sources, other stations."

For a period of over a year, Johnson has made inspection trips in the vicinity of Gary and listened on many receiving sets and he always notes bad interference, particularly to the south, southeast and east (R. 43, 44, 118). This condition has existed ever since 1928 and the matter has been taken up with the Commission at various times, but with no success. The present application seeks to remedy this situation (R. 49, 100). Interference has increased in last two years (R. 131).

Faulkner, expert radio engineer, has observed reception from WJKS in his home about 30 or 35 miles west from Gary for at least a year and his experience has been that the signal was too poor to give good service, not from the signal strength standpoint, but due to a heterodyne usually from 200 to 100 cycles per record, which was very objectionable (R. 224-225). Field intensity tests made within a radius of approximately 30 miles of WJKS transmitter revealed objectionable interference (R. 272 to 277). These tests showed that there was sufficient signal strength to give good reception were interference not present (R. 276).

The witness Atlass testified that he has listened to station WJKS on receiving sets in Gary at distances of 3 to 4 miles from the transmitter, and reception of WJKS was interfered with by cross talk and heterodyne. (R. 382-383). After 12:00 o'clock midnight, reception was clear (R. 283). On several occasions the call letters of WBFL were heard in the background.

1846 The station has had constant complaints from the listening public over past year (R. 48, 72, 100). These have been received over the phone at the time

of the interference or by citizens who called to protest.

Rev. John A. Costello, Catholic Priest, testified that he has received numerous complaints from listeners at the time that his broadcasts were not being received due to interference (P. 5 Dep.).

Clyde Hunter, Chairman of Board of Trustees of the Elks of Gary, testified (P. 12 Dep.), members of the Northern Indiana Association and State Elks Association had complained that because of interference they had been unable to receive the programs of WJKS and that their Clubs had discontinued trying to join in the Elks Toast because the station could not be depended on because of interference and cross talk.

Emma E. Claus, Secretary and Treasurer, Bankers Trust Company, Gary, and President of Gary Business and Professional Womens' Club, testified (P. 17 Dep.) that it was very difficult to get WJKS over her receiving set at her home in Hammond.

Rev. Frederick W. Backemeyer, Pastor First Presbyterian Church of Gary, who broadcasts over WJKS, testified (P. 23, Dep.) that he had received many complaints of poor reception of his broadcasts.

H. S. Warren, Band Leader of the Emerson High School Board which broadcasts over WJKS testified (P. 31, Dep.), that this school has a schedule of its broadcasts printed and sent out to many people. Many reported to him that due to interference they were unable to get the program.

William M. Ayres, Pastor of Central Baptist Church, Gary, who broadcasts over WJKS testified (P. 38, Dep.) that a good many complaints had been received by him that at certain times his program could not be received because of interference.

D. J. Davies, Division Safety Inspector, Illinois Steel Co., Gary, who regularly broadcasts safety programs over WJKS, testified (P. 51, Dep.) that their employees
1847 living as close as Hammond, East Chicago and Indiana Harbor had complained to him of interference in getting the talks over WJKS.

Rev. Alexander Alamsha, Pastor, West Gary Presbyterian Church, who has for the past two years broadcast the Radio Chapel hour over WJKS, testified (P. 56, 57, Dep.), that a great many complaints had reached him that

listeners in the City of Gary and within 25 or 30 miles are unable to hear him on WJKS.

Chauncey Townsend, Editor of the Gary American, a colored newspaper, who conducts the regular weekly colored program, testified (P. 66, Dep.), that a number of his people have complained that they were unable to receive this program due to noises produced by other stations at the position on the dial where WJKS should be heard.

(D) The Testimony Showed That if WJKS Were Allowed to Operate on 560 Kc., Reception Would be Good.

WIBO operating on 560 kc. is about 30 miles away. It comes in clearly in Gary.

Johnson has made inspections in vicinity of Gary in conjunction with station engineer and has always found that 560 kc. is excellently received without interference (R. 118, 119).

Faulkner, who lives in the good service area of WJKS and has consistently listened on 560 in his home, testifies that if WJKS was operating on 560 kc. he would not expect to get interference for in all his observations at frequent intervals of WIBO, it is free from interference (R. 278, 279).

(E) Only the Most Theoretical Testimony was Introduced by Respondents to Rebut the Facts of Interference and That it Would be Eliminated by Granting This Application.

The only testimony offered to disprove the benefit which would result by granting this application to the listening public in the Calumet area through better reception from an improved public service of WJKS, was in the form of hypothetical engineering generalities and formulæ
1848 given by the witness T. A. M. Craven, Expert Engineer, who testified on behalf of Station WIBO (R. 552).

It is to be kept in mind that the Engineer Craven *had made no examination of any station involved in this hearing; he had never even seen station WJKS or WIBO.* In other words, Mr. Craven summed up the worthlessness of his own testimony by saying at the end of a long speech (R.

570), "I can give some presumptions, but not facts." The form of his testimony was to read into the record excerpts from text books, engineering monographs and arguments which he had written down in the court recess after Faulkner testified. The gist of most of his testimony was a complaint *that not sufficient engineering data* had been introduced into the record to enable him to disprove the statements made by WJKS witnesses! It is to be kept in mind that WJKS *proved* the facts of interference by the actual experience of dozens of witnesses (supra pp. 11 to 14, inc.).

In an effort to cast doubt upon such "Listeners" testimony, Engineer Craven talked about "vagaries of the human ear," (R. 557), apparently forgetting that it is just the interference that annoys a lot of human ears (not the kind that instruments record) that causes stations to seek, and entitles them to be awarded, changed frequencies (Craver Cross Ex. R. 590). He also testified at great length on what he regarded as the proper investigation of regional channel radio stations. The Examiners seemed to be much taken with his idea.

But, Engineer Craven, as well as the Examiner, entirely overlook the fact that the average regional part-time station in under-quota areas, if it serves the public interest at all and donates time for community purposes, as WJKS does most generously, cannot have a very large margin of profit. *The cost would be prohibitive of conducting the exhaustive engineering examinations, tests, and experiments, which Craven and the Examiner suggest as necessary, in all applications for changes of frequency.* The total investment in Station WJKS would not warrant any such an expenditure. The total cash on hand of WJKS (financial statement filed with Examiner) is $10,000. It would clean out the till completely to satify Engineer Craven and this Examiner from an engineering standpoint as to the advisability of granting this application, and giving to Gary, Indiana one full-time regional station that would be heard without interference throughout the steel mills or Calumet region.

1849 The Examiner in a further effort, which effort is apparent throughout his entire summary of the evidence of this case, to snatch at any reason, however farfetched, in order to disregard "experienced ear witness

testimony," sets out at great length Craven's theoretical criteria of engineering tests, which according to Mr. Craven and the Examiner, *must* be made to meet the Examiner's theory of the applicant's burden of proof under General Orders #92 and 102.

Since the Examiner goes to such great length to dignify these high-sounding impractical theories, and in order to show how utterly impossible, unfair, and inapplicable they are to the average case, we set forth paragraph by paragraph, Page 7 of the Examiner's Report, with comments, when necessary, after each paragraph.

"1. Investigations regarding regional channel radio stations involved in changes of frequency to avoid interference should be comprehensive and thorough and *should show conclusively* the following:"

Undoubtedly, engineering investigation should be as comprehensive and thorough as the station can afford, but it was never the intent of Congress, nor will a practical-minded Radio Commission demand, that small regional stations must employ high-priced theoretical Radio Engineers at fancy salaries to make exhaustive examinations, in order to give learned sounding pages of testimony in applications for changes of frequency. If the station does not succeed in its application, the money is lost, and it is much more to the point, and much more within the intent of Congress for the assets of a station to be used to give good programs to the public and contribute free time for community enterprises, than it is to hire high-priced Radio Engineers to pursue hypothetical conclusions.

"(a) The sources, degree and character of the interference *nad* that this interference is consistently greater *than that usually* encountered in the service of regional stations in general."

The above statement, of course, is academically correct, but it is, as a practical matter, impossible to set up any standard as to "what interference is usually encountered in the service of regional stations in general"! As against such academic statement, WJKS offered the prac-
1850 tical experience of witnesses Faulkner, Johnson, Morrow, Atlass, Rev. John A. Costello, Clyde Hunter,

Emma E. Claus, Rev. Frederick W. Backemeyer, H. S. Warren, William M. Ayres, D. J. Davies, Rev. Alexander Alamsha, and Chauncey Townsend, all of whom testified that they listened at various times and at various places within a radius of ten miles from the transmitter of WJKS and heard the call letters of WBJL coming in.

(b) Field strength contours of a station applying for a change in frequency should show whether or not the service being rendered is equivalent to the average to be expected with respect to signal strength."

Again, theoretical, possibly desirable, certainly expensive, and not essential.

"(c) The efficiency of the applicant's equipment and installation as well as the location, should show whether or not an improvement in the ratio of the service signal to that of the interference could be accomplished by changes in the applicant's equipment or location."

Certainly the efficiency of the applicant's equipment, installation and location should be given. This was given by station WJKS. Faulkner testified to it (R. 305-14).

"(d) A survey of the interference conditions on the frequency applied for should show conclusively whether or not the proposed shift will be materially beneficial in the locality of the applicant station."

This is a good example of the ridiculousness of the theories on which Engineer Craven and the Examiner hang their criticism of the testimony offered by WJKS. Just how could Mr. Craven, or any other engineer "*show conclusively*" whether the proposed shift will be materially beneficial in the locality of the applicant's station, *unless* an experimental license is issued. Just as applicant's witness Faulkner said on the stand, there is no way to furnish such facts short of actual experiment.

"(e) Sufficient data should be submitted to permit an estimate as to whether or not the proposed shift in frequency at the applicant station will change materially the interference to other stations."

1851 This again is childish and misleading. There is no way that sufficient data could be secured without actual experiment. All the conclusions offered by the Radio Commission's Engineer Ring and by Faulkner say that granting the application "will not be *expected*" to cause interference to stations.

"(f) A description of the apparatus and methods employed in making the investigations should be submitted in order that the resulting measurements may be interpolated with known standards in order to arrive at accurate comparisons."

This was given by the applicant's witness Faulkner (R. 288 to 290).

"2. The installation of precise frequency control at all stations using 1360 kc. will result in a substantial improvement in the interference conditions in and around Gary, by reason of the fact that the audible heterodyne would be changed to an inaudible value and thus minimize the objectionable character of this type of interference."

This is one of the amazing and misleading theoretical panacea- advanced. Just how could "precise frequency control at all stations using 1360 kc" be installed by this applicant WJKS, unless WJKS *owned* or had control of the other 1360 kc. station, WBFL, at Syracuse?

"3. Interference can be minimized by the employment of antennas which do not radiate sky waves sufficiently. The utilization of such an antenna at the various stations on 1360 kc. would result in an improvement in the service of Station WJKS as well as the other stations."

The same impracticality is revealed in this suggesstion for installing expensive new antenna. For WJKS to do so would be useless unless WJKS could induce WBFL at Syracuse to do likewise. These engineering theorists fail to reveal just how *one* part-time, regional, station in Indiana could for the sake of conducting an interesting engineering experiment, get an entirely unrelated sister station on the same frequency in New York State to expend thousands of dollars. (Note: For an amusing instance of

a theoretical witness trying to keep away from definite practical questions, attention is directed to the cross examination of C. Craven (R. p. 589 to 609). The witness admitted that the application of his theories would involve considerable expense (R. 609).

1852 "4. The ratio of service signal to interference can be made larger and thus reduce interference, if antenna efficiency with respect to ground wave radiation is increased. The antenna at Station WJKS seemed to be susceptible to such improvement."

This testimony is entitled to no credence. How does Engineer Craven know? He testified *t*he never saw the antenna at WJKS, and he has furthermore said (R. 567), "However I cannot state, in fact, that there is a loss, because the effective height of the antenna has not been determined as a result of field strength measurements, and therefore there is not sufficient evidence for me to draw any conclusions as to the efficiency of either the transmitter or the antenna."

"5. Insufficient technical data have been presented by Station WJKS to permit the formulation of accurate conclusions with respect to their equipment. The data with respect to field strength measurements of Station WJKS is far too sparse and taken over too short a period with uncalibrated instruments to warrant any accurate conclusions either with respect to interference, efficiency of Station WJKS, or whether interference existed to a substantial degree greater than that usually encountered in the service area of regional stations."

This statement amounts only to the personal criticism of an engineer, because a great quantity of experience testimony is given and according to his views too little "technical data." But courts have for years given as much credence to eye and ear testimony of lay witnesses as they have to masses of technical reports. In other words, a witness' testimony of pain suffered, and where, after an accident, has long been given as much weight in a personal injury action as is given to an opposing Doctor's learned discussion from the witness chair on traumatic neurosis. So here, the fact that dozens of witnesses heard constant

interference and other call letters during the evening hours of the broadcast of WJKS; the fact that telephone and verbal complaints of such interference were constantly received at the station, constitutes as valuable testimony as Engineer Craven's discourse on the amount of technical data that would enable *him* to determine, without any trip to Gary, whether there was interference and cross-talk within the service area of WJKS.

1853 Likewise, the positive testimony of many witnesses who listened in the Calumet area to WIBO, only 30 or 35 miles away and heard no cross-talk, nor interference, is creditable testimony to establish the fact that if this application were granted to allow Station WJKS to operate on WIBO's frequency, there would follow no objectionable interference.

II.

The Examiner's Report Shows Confusion, Misapplication, and Misinterpretation of the Radio Act of 1927 and the Davis Amendment Thereto.

The Radio Act of 1927 (February 23, 1927, c. 169, par. 41, 44 Stat. 1174; 47 U. S. C. A. Supplement) provides, par. 89:

"Licenses and Renewal of Licenses; Period.—The licensing authority, if public convenience, interest, or necessity will be served thereby, *subject to the limitations of this chapter,* shall grant to any applicant therefor a station license provided for by this chapter.

"It is hereby declared that the people of all the zones established by section 82 of this chapter are entitled to equality of radio broadcasting service, both of transmission and of reception, and in order to provide said equality the licensing authority shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power, to each of said zones when and insofar as there are applications therefor; and shall make a fair and equitable allocation of licenses, wave lengths, time for operation, and station power to each of the States, the District of Columbia, the Territories and possessions of the United States within each zone, *according to population. The broadcasting service hereinbefore directed, whenever necessary or proper, by granting or re-*

fusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewals of licenses. * * * Allocations shall be charged to the State District, Territory, or possession wherein the studio of the station is located and not where the transmitter is located. (Italics ours.)

By the above section, it is plain that the intent of Congress was to establish as nearly as possible two kinds of equality: (a) of broadcasting transmission, and (b) of broadcasting reception. It is to be noted that the division of the United States into zones is made by statute (Sec. 82 supra), and is purely an arbitrary or geographical division. The real mandate Congress laid upon the
1854 Commission is to establish equality for all the *people of all the zones.* In order for the *people* to have equality of service, both of transmission and of reception, Congress further directs that the Commission shall make a fair and equitable allocation to each State *according to population.* Manifestly, the business of transmission is a privilege which is a business opportunity, often carrying with it the chance of considerable profit. The act demands equality of transmission, because Congress intended that Indiana must be allowed in proportion to her population just as many stations or their equivalent in transmission as the State of Illinois is given. In other words, the people of the State of Indiana are entitled to have as many opportunities for making money in radio stations as in Illinois! Congress also meant that Indiana should have as much chance to tell her own story in her own Indiana way over an Indiana outlet as Illinois has.

The Examiner is in error when he slides *over* the fact that Indiana is away below its licensed quota of stations or radio outlets by observing that "the people of Indiana receive broadcasting service from stations operating in Illinois, which service is not charged against the quota of Indiana." That is no excuse to leave Indiana with less than her fair share of radio "mouths." The same argument might be advanced in practically *every* State in the Union. The City of New York with its many stations floods New Jersey, all of the New England States, Pennsylvania, and Delaware, with *opportunities of reception, but, under*

the terms of section 89 *of the above act,* that does not take the place of the state's rightful "equality of transmission."

So, also, is the Examiner in error in placing such an exaggerated importance upon "public interest, convenience, and necessity." The act above quoted does, it is true, make it necessary for the licensing authority to find first that public convenience, interest, or necessity will be served by granting the license, but—and this fact is frequently lost sight of—the licensing authority is, while weighing the public convenience, interest, or necessity, obliged to do so "*subject to the limitations of this chapter.*" And what are such
1855 limitations? They are the directions to maintain equality of reception. Too many have loosely interpreted equality of reception as merely an opportunity for the listener to *hear some* station over his radio set. That is not the intent of the act at all. The intent of the act plainly is to require the Radio Commission, just so far as possible, to guarantee to every listener his full right (balanced according to the population of his State) to receive all normal kinds of broadcasting service.

Now, the Commission itself has divided broadcasting service up into (a) local; (b) regional; (c) and high power service or stations. Equality of reception would therefore mean that just so far as the Commission is able, the Commission is charged with the duty of seeing that all the people may have the opportunity to listen respectively to (a) a local; (b) a regional, and (c) a high-powered station.

Equality of transmission means that the people of each state have the right to their fair proportion of radio outlets.

III.

The Examiner's Final Error is in His Total Disregard of the Effect and Meaning of the Orders of the Federal Radio Commission.

(a) *He misapplies and misinterprets the Commission's Order No.* 92 *relative to the quota.*

As has been heretofore set forth, the testimony is clear that it was the intent of the Commission to list all of the classes of facilities in a given area according to their unit value in the various zones and in each State in the zone,

and, upon the total thereof determine whether, under the provisions of the Federal Radio Act, the zone or the State were over-quota or not.

The Examiner has no choice but to award the re-
1856 quested frequency if to do so, will be a step toward maintaining "an equal allocation of broadcasting licenses, etc." Both Ring and Greaves testified that granting this application would be a step in the right direction toward equalizing radio facilities.

The Commission's General Order 92 is a proper exercise of regulation-making power under the Radio Act.

Its application to the issues of this case, set up such a limitation on the Examiner that he is without power to decide against the application on the ground that WIBO and WPCC serve the public convenience. To find, as was done heretofore in Examiner's Reports 188 and 166, that they do serve the public convenience, interest, or necessity, is not sufficient ground now to deny the application, because the law itself lays down the rule that the finding of public convenience *must be, in all instances "subject to the limitations of this chapter."* The limitations of this chapter are the limitations of the quota or allocation of broadcast assignment. Consequently, the only finding that would justify the Examiner in denying this application would be a finding, properly grounded in the evidence, that station WJKS is *not rendering public service.* In that case, of course, it would not be entitled to enlarged privileges, even though its application came from a State that was under-quota. But the Examiner could not find that WJKS is not rendering public service. To do so would be to fly in the face of the uncontested total evidence in this case. If the finding of facts appears to be manifestly contrary to the evidence, it has been held in "*Technical Radio Laboratory* v. *Federal Radio Commission*," 36 Fed. (2d) 111, that "the court will not hesitate to set aside" such a finding. In this case, the Examiner did find in his conclusion 4, page 11 of his report, that "*Applicant station WJKS is rendering a commendable public service.*" On such a premise the Examiner is misapplying the meaning and effect of the Commission's Order No. 92 in recommending denial of this application.

Indiana's Plight.

1857 Indiana is the most under-quota of any state in the fourth zone. It is 20 per cent under-quota. *There is not one single full time regional or clear station in the whole state.*

There is broken up broadcasting on regional stations in every community in Indiana (Ring R. 161). Indiana has due it 1.95 units on the quota (Greaves R. 702). The total power assigned to *all* stations in Indiana does not equal that of any one of 5 separate Chicago stations (Ring R. 166).

There is nothing but "*very poor*" service that can reach any of the Calumet or steel mill region of Indiana from any Indiana Station (Ring R. 166) except WJKS, and it is only broken up part time and badly interfered with by Syracuse in the 1st zone.

Illinois is over-quota 49 per cent or 11.15 units (Ring R. 166; Greaves R. 702).

In other words, Illinois now has more facilities above its rightful quota than all the facilities of every kind granted to the State of Indiana.

The two respondent stations WIBO and WPCC are only charged in the Illinois quota with .69 units, whereas they are actually using .85 units. Thus, the over-quota of Illinois is actually even greater than that indicated by the Commission's figures (Ring 199).

To get around granting this application and in violation of the spirit and purpose of the Commission's Order 102 and its quota assignments, Examiner Yost evolved the astonishing theory that, in spite of the over-quota condition of Illinois, being 11.15 units above its allotments, *that it is under-quota in regional channels!* In other words, to avoid this application, he concluded that in applying the Commission's order he would break down the quota figures and deny an application from an under-quota state if it was applying for anything other than clear channel facilities in Illinois.

He pretended to base this conclusion upon the testimony of W. Ford Greaves, engineer for the Commissioner, but

he badly distorted the alleged source of his artificial
1858 theory. Mr. Greaves, in his testimony, on page 709 and 710, relative to General Order 92, which was introduced, stated:

"General Order 92 and the tabulation of facilities on the basis of units was so that the quota could be determined on *total facilities*, independent of the ratio*n* of these classes,"

and again on page 711, Mr. Greaves stated:

"All of the engineering calculations in regard to quota are based on total facilities, independent of the ratio of the three classes."

Surely Examiner Yost has forgotten that when applicant was offering testimony relative to compliance with General Order 102, to the effect that applicant had in its petition for relief, been obliged to chose a facility in an over-quota'd state and so chose Illinois, the Examiner interrupted and said:

"The Examiner is of the opinion that the fact that Illinois is under-quota on regional facilities is no barrier or no defense to the granting of this application. The question is wholly one of public service, and is determined upon the facts presented here. The applicant has sought a facility in an over-quota state for use in an under-quota state in the same zone."

Yet it is plain to be seen that the Examiner departed from that view. In the comment twice in his short summary of a very voluminous record that Illinois is under-quota on regionals and Indiana is over-quota on regionals, he was breaking down total facilities into their various classes. *And in so doing he has made the quota differences prevailing between the State of Illinois and the State of Indiana just the reverse of what the Radio Commission's Order No. 92 has declared them to be.*

The Examiner departed from clear reasoning and was plainly snatching at a false reason without foundation in law or the Regulations of the Commission to justify his recommendations. If a comparison of regional facilities was not a controlling factor in the Examiner's recommen-

dations, what possible use could there be for him to insert the statement in the second paragraph of page 10 of his findings as follows:

1859 "In the opinion of the Examiner there is nothing in the Radio Act of 1927, the Davis Amendment thereto, the Commission's General Order No. 102 to justify the granting of this application. * * *"

The Examiner has listed the very three things that do justify the granting of this application. The radio Act and the Davis Amendment provide that:

"The people of all zones * * * are entitled to equality of radio broadcasting service."

To carry that mandate into effect, the Radio Commission promulgated Order No. 92, showing the 50 per cent over-quota condition of the State of Illinois.

To more easily enable a Station in an under-quota State, such as Indiana, to secure an equalization of radio facilities, and to guide the Examiner in making a proper order looking toward such equalization of radio facilities to an under-quota's State, General Order 102 was promulgated. General Order 102 has been fully complied with in WJKS's application and throughout the hearing, and even the Examiner found that.

It is plain, therefore, that, so far as the law and the orders of the Commission are concerned, the application of WJKS should be granted. Only the most obvious and compelling reasons, causing the Examiner to find that WJKS is not operating in the public interest, could furnish sufficient justification for the denial of this application.

The evidence is ample that WJKS is a true community station serving the peculiar needs of a peculiar section of the State of Indiana, which is not served by any other Indiana station, and which has no other local radio community outlet. The Examiner has himself admitted that it is doing a good job in that respect.

True, the Examiner has noted and the applicant has admitted and it is an incontestible fact, that the Calumet Region receives chain programs from Chicago, but it is also an uncontested fact that none of these high-powered

clear channel chain broadcast commercial stations
1860 from Chicago care an iota for the local needs of the workingman's 24 hour day and the foreign population in the Calumet region. The effect of the Examiner's ruling is to say that because the foreign population can listen to Amos and Andy and hear the music from 5 Chicago station-, they are thereby receiving enough broadcasting service, and are to be denied that which the radio law has guaranteed to them, to-wit, broadcasting service from their own state, where their educational needs, their racial origin prides, their Americanization programs, and peculiar safety, and police protection fitting into the steel mill area, can be given to them.

(b) *The Examiner renders nugatory the meaning and effect of General Order* 102. *General Order* 102 *provides:*

"Applications from under-quota States in zones which have already allocated to them their pro-rata share of radio facilities should be for a facility already in use in that zone by an over-quota State."

It is true that General Order 102 is a rule of procedure or pleading. Its intent was to focus the issues. Since in General Order 92 the Radio Commission made a perfectly equal allocation of radio facilities to each zone, the adjustment has to come *within* the zones. The effect, then, of Order 102 is to force an applicant station, before bothering the Commission with a hearing, to study the assignments within that station's zone, and choose facilities from an over-quota State within the zone, and direct the testimony toward the need of the applicant station for the facilities enjoyed by the chosen respondent station. Acting thus upon the mandate of General Order 102, the applicant WJKS, studying the various facilities in over-quota states within the 4th zone, recognized that the facilities *in* now assigned to WIBO and WPCC would best meet applicant's needs, because the people within the Calumet region around Gary were used to listening on the 560 frequency. It was a matter of common knowledge (as has been established by the testimony of many witnesses *supra*) that reception on 560 kc. came into the Gary region clearly without interference. As a result, therefore, in applying for

560 kc. WJKS was able to offer to the Commission,
1861 and did offer, clear proof from the lips of witnesses who gave their testimony from experience running from a year to eighteen months; *that bad cross talk and interference prevailed throughout the service area of WJKS, particularly in the east and southeast. But, on the contrary, clear reception could be had on* 560 *kc.* through the same Calumet territory.

It is true that a hard question is forced by General Order 102. If an under-quota state desires to better its quota, it must have one of its stations apply for some facility already in use in an over-quota state in the same zone.

This limits the choice of the prayer of the application. It also always means a hard legal fight, for no station enjoying a license privilege is going to give it up without a struggle.

Over-quota regions are usually in large metropolitan areas. Stations in over-quota areas have access to money an- power.

Under-quota areas are usually not in metropolitan districts. This usually means that they serve poorer people, with less opportunity to make money and with less access to power and influence.

The combined effect of General Order 92 (having as it does, in the actual assignment of broadcasting facilities, rights and privileges, the effect of law itself), and General Order 102 (being, as it is, a rule of procedure, and being based upon the proper interpretation of Section 9 of the Radio Act), when read together, is that if a station in an under-quota state (like Indiana) establishes the fact that it is rendering a commendable public service (as WJKS has established), and that under its present assignment it suffers from objectionable interference, within its proper service area (as, by a great preponderance of the testimony, WJKS has shown), and that by the use of another frequency this objectionable interference will be eliminated, and that the "other frequency" applied for is now enjoyed by a station in an over-quota state (even though that other station may also be rendering a satisfac-
1862 tory public service), it follows that the Commission *must* grant the application to the station in the under-quota state.

IV.

A Balancing of Equities Revealed by the Evidence Shows That no Real Public Interest Will be Destroyed by Taking WIBO Off of 560 Kc.

(a) *No harm will result to WEAO listeners.*

The Examiner was in error in even fearing that the use of 560 kc. frequency in Gary, Indiana would result in increased interference to station WEAO at Columbus, Ohio. The testimony on that point was very meager, and not entitled to the dignity of comment by the Examiner. R. C. Higgy, station director of WEAO, testified that WEAO, operating on 570 kc., now has interference from station WIBO (R. 7), only 10 kc. removed, *but he admitted that his most extravagant fears of interference from WJKS, should WJKS operate on WIBO's frequency, would be to shrink the service area of WEAO from* 149 *miles to* 120 *miles (R.* 19). First of all, there was no positive testimony on the subject, and such fears are not entitled to any weight whatsoever, for it is a well-known fact that no regional station has any right to claim as much as 120 miles' uninterrupted service area. The good service area of a regional station (such as WEAO) was given by radio engineer Ring as 9 miles (R. 165).

(b) *Moving* 560 *kc. from Chicago to Gary will cause no interference.*

There should be no difference in service on the 560 frequency from Gary, Indiana than from Chicago (R. 197). The low frequencies are better for local service (R. 197). By moving the 560 kc. frequency from Chicago to Gary, the mileage separation between stations between this and adjacent frequencies would not be substantially changed (R. 167).

(c) *The Programs WIBO give- the public are duplicated by ten other stations.*

The Examiner utterly failed to consider important
1863 testimony to the effect that removing WIBO from the area would not take away from the listening

public within that service area any feature that could not be found in other stations in the same state covering the same service area.

The evidence shows that WJKS serves a specialized need in the Calumet area. On the other hand, the programs of WIBO are duplicated by not less than 10 other stations whose service areas inclose that of WIBO, and eleven other stations whose service areas partly overlap that of WIBO (Ring, p-. 161-165). In attempting to show public service, WIBO set forth a large number of National Broadcasting programs. Witness Russell admitted WGN, a clear-channel, full-time station in Chicago was available for all these national broadcasting programs that N. B. C. has leased WLS WENR, a full-time clear-channel station, and that N. B. C. also had access to KYW, another full-time, clear-channel station, and that WCFL, another practically full-time station was also available in Chicago for the same programs now carried by WIBO (R. 684-685). It was plain from the testimony that the distribution of National Broadcasting programs around to other stations not owned by the National Broadcasting Chain is because the National Broadcasting Chain sells time for local advertising on its own station at a higher rate than that which N. B. C. pays through member stations (R. 685). Russell, Vice-President of the National Broadcasting System stated that there are some six other stations on which National Broadcasting Chain can contract for time (R. 686). WIBO attempted to say further that the "Chicago Evening American" was presenting a particular public service over WIBO. However, the witness for the "Chicago Evening American", Mr. Clarke, admitted that the "Chicago Herald and Examiner", owned by the same interests, has leased full-time on KYW, a full-time, clear channel station in Chicago, and that the "Examiner" now sells time to other advertisers, and that if necessary, the "American" could buy time from the "Examiner" (R. 355). But the witness Clarke admitted that the same services provided by the "American" over WIBO were presented by stations WGN, WBBM, CBS, KYW, and WMAQ (R. 360).

1864 The Examiner also failed to take into consideration the great abundance of the same kind of broadcasting that is done by WIBO and the consequent result

that the elimination of WIBO will take nothing from the Chicago area not furnished by other stations.

Applicant's Exhibits 5 to 27 (R. 320) show there are 3599.1 hours of entertainment being broadcast from Chicago, 418.8 hours of religious, 272.8 agricultural, and 557.1 educational. By the allegations in respondent WIBO's own application for renewal of its license, there is shown a tabulation of use of hours which reveals that eliminating WIBO completely would reduce the hours of entertainment in the Chicago area to 3239.4 hours, religious to 393, and agricultural and educational would remain unchanged. Elimination of WPCC's time would decrease the hours of religious broadcast in Chicago to 343.

(d) *Gary station gives more free religious interdenomination broadcast services than WPCC and granting this application would be in the interests of more religious broadcasting.*

However, the Examiner failed to note that the religious broadcast by WPCC is wholly dependent upon Reverend O'Hare. The station is governed by nothing other than his desires and belief. He allows it to be used by no other denomination. He appeals for money over the air. Contrasted with this, is the religious broadcast of WJKS, which is available and used (R. 88) freely by all denominations—the Catholic Church, Central Baptist, Christian, and Fourth Presbyterian, and any others upon application.

Some of the ministers using this station complain of interference in broadcasting their sermons. One of the reasons for asking for full-time is to increase the opportunities for more religious broadcast for more denominations. *WJKS's facilities are at all times open to all sects and creeds.*

(e) *The Examiner erred in relying on the case of Chicago Federation of Labor vs. Federal Radio Commission* (41 *Fed.* (2*d*) 422).

1865 That case arose before General Order 102 was promulgated. The effect of granting the application of WCFL would not have tended to bring about an equalization of broadcasting facilities for the reason that the facility applied for was already in use in over-quota Illinois, and for the further reason that granting the application which also

involved an increase in power from 1500 watts to 25,000 watts would result in further increasing the already over-quota situation in Illinois. The Commission in denying the WCFL application followed and applied the terms and intent of the Radio Act and was upheld by the Court of Appeals. The facts in the WCFL case and the *facts* before the Commission in the record in this case are entirely disimilar. For the language of the Court of Appeals to be binding on this Commission in its consideration of this case, the facts must be substantially the same.

Nor can it be said that the granting of this application would result in the licenses of established stations being *arbitrarily* withdrawn. The Chief Examiner, at page 10 of his Report, quotes the language of the Court of Appeals of the District of Columbia in the WCFL case as his reason for recommending the denial of this application. It is submitted that the Court of Appeals used the word "arbitrarily" in its commonly accepted meaning, i. e., fixed or done capriciously or at pleasure; without adequate determining principle; not founded in the nature of things; nonrational; not done according to reason or judgment; depending on the will above; capriciously; tyrannical; despotic. With the mass of testimony in the record before the Commission, and the sound reasons of public interest served by WJKS, it is submitted that the granting of this application cannot be considered "arbitrarily".

Conclusion.

It is respectfully submitted that upon the record made in this case the Chief Examiner has erred in his conclusions to which exception is taken and it is urged that the Commission reverse the Chief Examiner in those re-
1866 spects and find that public interest, convenience and necessity would be served by the granting of the application of Johnson-Kennedy Radio Corporation.

Respectfully submitted,

MABEL WALKER WILLEBRANDT,
MABEL WALKER WILLEBRANDT,
739 Shoreham Building, Washington, D. C.,
Counsel for Johnson-Kennedy
S. *Radio Corporation.*

Dated August 14, 1931.

1867 *Motion for Oral Argument.*

Comes now the applicant Johnson-Kennedy Radio Corporation, by its attorney and requests permission to appear before the Federal Radio Commission or a quorum thereof, and offer oral argument in support of its foregoing exceptions to Examiner's Report 235, heretofore entered in the above entitled causes.

MABEL WALKER WILLEBRANDT,
MABEL WALKER WILLEBRANDT,
Attorney for Johnson-Kennedy Radio Corporation.

S.

1868 DISTRICT OF COLUMBIA, *ss:*

Wm. Montgomery Smith, being first duly sworn, deposes and says that he is an associate of Mabel Walker Willebrandt, attorney for Johnson-Kennedy Radio Corporation, and that on August 14, 1931, he mailed a copy of the foregoing Exceptions to Examiner's Report 235 and Motion for Oral Argument to all parties of record, or their attorneys.

WM. MONTGOMERY SMITH.
WM. MONTGOMERY SMITH.

Subscribed and sworn to before me this 14th day of August, 1931.

[Seal of Helen J. Collins, Notary Public, District of Columbia.]

HELEN J. COLLINS,
Notary Public.

My commission expires July 10, 1934.

1869 5540.

Federal Radio Commission, Washington, D. C.

Docket No. 1156.

In re Application of JOHNSON-KENNEDY RADIO CORPORATION (Station WJKS), Gary, Indiana, for Modification of License.

Statement of Facts, Grounds for Decision, and Order of the Commission.

Preliminary Statement and the Issues.

This proceeding arose upon the application of the Johnson-Kennedy Corporation (Station WJKS), Gary, In-

diana, for modification of license. The station is now operated on the frequency of 1360 kc. with a power output of 1250 watts daytime and 1 KW. nighttime, and it shares time with Station WGES, the applicant station being authorized to use four-sevenths time and WGES the remaining three-sevenths. Authority is requested to operate unlimited time on the regional frequency of 560 kc. now assigned for use of Stations WIBO and WPCC, Chicago, Illinois. No change of power output is involved. Hearing on the application was held April 23rd to 30th, 1931, before Chief Examiner Yost. Stations WIBO and WPCC of Chicago, Illinois, WEAO, Columbus, Ohio, and WISJ, Milwaukee, Wisconsin, appeared as respondents. The Examiner's report recommending denial of the application was submitted July 28, 1931. Exceptions to the report were duly filed by the applicant and oral argument was requested.

The issue in this case is, whether or not the public interest, convenience and/or necessity would be served by the granting of this application and the consequent forfeiture of the facilities now assigned Stations WIBO and WPCC.

Statement of Facts.

The Johnson-Kennedy Radio Corporation, the applicant, is an Indiana corporation and has no other interests than the ownership and operation of Station WJKS at Gary, Indiana. The corporation has a paid-up capital stock of $30,000 of which Thos. J. Johnson, the president, and his wife, own 50 per cent and Ralph L. Atlass, the treasurer, the remaining 50 per cent. The station represents an investment of approximately $75,000.

Gary, Indiana, about 30 miles from Chicago, is the largest steel center in the world. It has a population of approximately 110,000 and is located in what is known as the Calumet Region which has a population of about 800,000, 60 per cent of whom are foreign born and represent over 50 nationalities. The principal industry of the Calumet region is the manufacture of steel, upon which industry ninety per cent of the inhabitants depend directly or indirectly for employment and livelihood.

1870 The applicant station is the only radio station in Gary and the programs broadcast are well designed to meet the needs of the large foreign population.

Station WJKS now broadcasts as follows:

6 or 7 a. m., to 8:30 a. m.

11 a. m., to 4 p. m.

7 p. m., to 9 p. m.

10:30 p. m. to 12 p. m.

By arrangements with Station WGES, on four nights a week, Monday, Tuesday, Wednesday and Saturday, continues broadcasting until early hours of the morning.

During the course of the hearing depositions of some 23 persons, taken pursuant to authority of the Commission, were offered on behalf of the applicant. Objection to the admission of the same was made by the respondent Station WIBO. Ruling on the point was at the time reserved by the Examiner and the depositions were subsequently admitted in part. It now appears that much of the testimony contained in the depositions is immaterial and otherwise inadmissible, and therefore is not considered by the Commission.

Programs feature broadcasts for Hungarian, Italian, Mexican, Spanish, German, Russian, Polish, Croatian, Lithuanian, Scotch and Irish people, which are musical, educational and instructive in their nature, and stress loyalty to the community and the Nation. At least an hour each day is allotted for foreign origin broadcasts.

The Mexican programs are in charge of a social worker in Gary among the Mexican people. Talented vocalists and musicians are selected for this program from these Mexicans.

The German programs are in charge of a civic leader who has organized musical clubs among the German people in the Calumet region from which talent is selected.

The Hungarian programs are known as the Vagabond Gypsies who are all Magyars and play only the unusual Hungarian instruments.

Irish and Scotch broadcasts usually present travelogue programs with music and stories about these countries.

The Slavish, Croatians, Czechs, Slavonians, and Lithuanians appear on alternating half-hours in Sunday afternoon broadcasts, rendering choir singing and chants.

The purpose of these programs, which are greatly appre-

ciated and well received in the Calumet region, is to stimulate community and racial origin pride and rivalry and to instruct in citizenship and American ideals and responsibilities. These foreign origin programs are broadcast by the station as a community contribution for which no compensation is received. If this application is granted and full time authorized it is proposed to devote more time to this type of service. No chain affiliations are maintained by the station.

1871 Special safety prevention talks are given for workmen, explaining the application of new safeguards to various types of machinery used in the steel mills. A children's hour is maintained by the station when talent selected from among the various schools is utilized in the broadcast. Good citizenship talks are broadcast weekly by judges or other civic leaders. The local Police Department is privileged to use the station at any time and there is an outstanding invitation to every fraternal, charitable and religious organization in the Calumet region to use the facilities of the station without cost and such use is often made.

Sunday programs consist mainly of church service broadcasts, and include all churches and denominations of the community which desire to participate.

The cost of talent is about $300 per week, and weekly expense for help averages $700. The station employs from 15 to 25 persons in its operation and the total cost of operation is approximately $35,000 per year. The applicant has in its treasury the sum of $10,000. The revenue is obtained from the sale of spot announcements.

The transmitter of WJKS is a composite transmitter capable of 100 per cent modulation and the equipment is in good mechanical and electrical condition.

Although the Calumet area is served by Station WOWO, Ft. Wayne, and several stations in Chicago, Station WJKS is the only station located in this region which serves a substantial portion of the area with excellent or even good service.

Although WJKS delivers a signal of sufficient strength to give good reception in its normal service area if not interfered with, heterodyne and cross-talk interference exists to within three miles of the transmitter and constant objectionable interference is found in the good service area of

the station, particularly to the south, southeast and east. During the last two years the amount of interference experienced in this area to the service of WJKS has increased and complaints of such interference have been constantly received by the station.

Stations operating on the 1,360 kc. frequency which are separated from Gary by less than the geographical separation necessary to prevent objectionable interference are:

Station.	Location.	Power.	Actual separation.	Separation necessary.
WFBL	Syracuse, N. Y.	1 Kw.	600 miles	1,200 miles
WCSC	Charleston, S. C.	500 W.	750 miles	1,050 miles

Station WIBO, now operating on the frequency requested by this applicant (560 kc.), about 30 miles from Gary, is heard clearly in the city without interference of any nature.

The operation of WJKS on 560 kc. and the deletion of stations WIBO and WPCC, would not be expected to increase interference with the services of any other stations.

1872 Station WIBO, Chicago, Illinois, is owned and operated by Nelson Brothers Bond and Mortgage Corporation as a separate business from the mortgage and real estate business carried on by that organization. The corporation has a credit rating of $300,000.

A total of 55 persons are employed in the operation of WIBO and the total monthly expenses average $17,000. During the month of March, 1931, WIBO earned a net profit of $9,000. The station represents a total cost of $346,362.99 less a reserve for depreciation of $54,627.36 and has been operated since April of 1925.

WIBO is now licensed to share time with Station WPCC. Station WPCC is authorized to operate Sundays from 10:00 a. m. to 4:30 p. m., and from 6:00 p. m. to 11:30 p. m. and WIBO is authorized to operate the remaining time. It appears from the record that Station WPCC, by agreement with Nelson Brothers Bond and Mortgage Company, is permitted to broadcast over WIBO on certain week day hours, in exchange for certain Sunday hours now licensed to WPCC.

The present licenses for Stations WIBO and WPCC, effective from September 1, 1931, to March 1, 1932, were issued upon and contain the following term and condition:

"This license is issued on a temporary basis and subject to such action as the Commission may take after hearing on the application filed by Station WJKS, Gary, Indiana, for the frequency 560 kc. No authority contained herein shall be construed as a finding by the Federal Radio Commission that the operation of this station is or will be in the public interest beyond the term hereof."

The programs broadcast by WIBO include a large number of chain programs originating in the National Broadcasting network and are almost entirely commercial in their nature. The same general type of programs broadcast by WIBO, including National Broadcasting chain programs, are received in the service area of WIBO from many other stations located in the Chicago district.

Station WPCC, Chicago, Illinois, is owned and operated by the North Shore Church, an incorporated organization. This station broadcasts approximately eight hours each week and the programs are made up entirely of sermons, religious music and talks relating to the work and interests of the Church. Contributions are solicited over the station for the use of the Church and the advancement of those matters in which it is interested. The station is not used by other denominations, religious or charitable societies. Rev. J. C. O'Hair, the pastor of the North Shore Church, is the general manager of the station and devotes the greater portion of his time to its operation and maintenance.

Other stations in Chicago, including WMBI, owned and operated by the Moody Bible Institute, devoting more time to programs of a religious nature than WPCC, are received in the service area of that station.

1873 The State of Indiana is 2.08 units or 22 per cent under-quota in station assignments and the State of Illinois is 12.49 units or 55 per cent over-quota in such assignments. The Fourth Zone, in which both states are located, is 21.00 units or 26 per cent over-quota in station assignments. The granting of this application and deletion of WIBO and WPCC would reduce the over-quota status of the State of Illinois and the Fourth Zone by .88 unit and .45 unit respectively, and would increase the quota of Indiana by .43 unit.

The Exceptions.

With many of the applicant's exceptions, and the objections to certain findings of the Examiner contained therein, the Commission is in agreement. With much of the matter recited in said exceptions, the Commission is not in accord.

Grounds for Decision.

On the record in this case the Commission is of the opinion and so finds:

1. The applicant station (WJKS) now renders an excellent public service in the Calumet region and the granting of this application would enable that station to further extend and enlarge upon that service.
2. The deletion of Stations WIBO and WPCC would not deprive the persons within the service areas of those stations of any type of programs not now received from other stations.
3. Objectionable interference is now experienced within the service area of WJKS through the operation of other stations on the same and adjacent frequencies.
4. The granting of this application and deletion of Stations WIBO and WPCC would not increase interference within the good service areas of any other stations.
5. The granting of this application and deletion of Station- WIBO and WPCC would work a more equitable distribution of broadcasting facilities within the Fourth Zone, in that there would be an increase in the radio broadcasting facilities of Indiana which is now assigned less than its share of such facilities and a decrease in the radio broadcasting facilities of Illinois which is now assigned more than its share of such facilities.
6. Public interest, convenience and/or necessity would be served by the granting of this application.

Order.

On consideration of the evidence in this case, of the Examiner's report, and the exceptions of the applicant thereto, it is accordingly ordered:

(1) That the request of Johnson-Kennedy Radio Corporations (Station WJKS) for oral argument, be, and the same is hereby, denied;

1874 (2) That the application of Johnson-Kennedy Radio Corporation (Station WJKS) for modification of license, be, and the same is hereby, granted:

(3) That the Secretary of the Commission, be, and he is hereby, directed to issue a modified license to Johnson-Kennedy Radio Corporation (Station WJKS) authorizing the operation of Station WJKS on the frequency of 560 kc. with power output of 1 KW. night and 1250 watts until local sunset, and unlimited hours of operation;

(4) That the Secretary of the Commission, be, and he is hereby, directed to terminate the existing radio broadcasting licenses heretofore issued to Nelson Brothers Bond and Mortgage Company (Station WIBO) and North Shore Church (Station WPCC), in accordance with the conclusion herein reached and the terms and conditions of said licenses; and

(5) That this order shall be effective twenty (20) days from the date hereof.

Filed October 16, 1931.

1875 In the Court of Appeals of the District of Columbia.

No. 5530.

NELSON BROTHERS BOND & MORTGAGE COMPANY (Station WIBO), Appellant,

v.

FEDERAL RADIO COMMISSION.

No. 5533.

NORTH SHORE CHURCH (Station WPCC), Appellant,

v.

FEDERAL RADIO COMMISSION.

Certificate of James W. Baldwin, Secretary of the Federal Radio Commission.

I, James W. Baldwin, Secretary of the Federal Radio Commission, do hereby certify that the attached are originals or true and correct copies of all papers and evidence presented to the Federal Radio Commission upon the hear-

ing before it April 23-30, inclusive, 1931, on the application of the Johnson-Kennedy Radio Corporation (Station WJKS) for modification of station license, and also a true and correct copy of the Statement of Facts, Grounds for Decision, and Order of the Commission in said matter.

[Seal U. S. Federal Radio Commission.]

FEDERAL RADIO COMMISSION,
By JAMES W. BALDWIN,
Secretary.

[Endorsed:] Court of Appeals, District of Columbia. Filed Nov. 16, 1931. Henry W. Hodges, Clerk.

1876 ADDITION TO RECORD PER STIPULATION OF COUNSEL

In the Court of Appeals of the District of Columbia.

No. 5530.

NELSON BROTHERS BOND & MORTGAGE COMPANY (Station WIBO), Appellant,

v.

FEDERAL RADIO COMMISSION.

No. 5533.

NORTH SHORE CHURCH (Station WPCC), Appellant,

v.

FEDERAL RADIO COMMISSION.

Stipulation.

At the hearing on the application of the Johnson-Kennedy Radio Corporation (Station WJKS) before the Federal Radio Commission, the Examiner in charge of said hearing requested Nelson Brothers Bond & Mortgage Company (Station WIBO) to file a financial statement of its company; that Nelson Brothers Bond & Mortgage Company (Station WIBO), pursuant to such request, did file with the Commission a balance sheet of its company as of May 31, 1931 which was inadvertently omitted from the

record sent to this Honorable Court pursuant to the Radio Act of 1927 by the Commission.

Wherefore it is hereby stipulated and agreed by and between counsel for the respective parties in the above-entitled causes that the said balance sheet and letter of transmittal accompanying it be, and they are hereby made a part of the record to be printed in the above en-
1877 titled causes.

LEVI COOKE,
Attorney for Nelson Brothers Bond & Mortgage Company (Station WIBO).

LEVI COOKE,
Attorney for North Shore Church (Station WPCC).

MABEL WALKER WILLEBRANDT,
Attorney for Johnson-Kennedy Radio Corporation (Station WJKS).

THAD H. BROWN,
General Counsel, Federal Radio Commission.

1878 Federal Radio Comm. Jun. 17, 1931. Received 2nd Mail, Mail and Files.

Received Jun. 17, 1931, Legal Division.

Telephone: Central 3715.

Thulin and Company, Public Accountants, 10 South La Salle Street, Chicago.

June 15, 1931.

Mr. James C. Baldwin,
Secretary Federal Radio Commission,
National Press Building,
Washington, D. C.

My Dear Sir:

At the request of Nelson Bros. Bond Mortgage Co. we are enclosing herewith balance sheet of that company as of May 31, 1931.

We expected to have this data in your hands on or about the 7th of June, but were somewhat delayed in the preparation due to press of business.

Yours very truly.

— — JOHNSON.

1879 Thulin and Company, Public Accountants.

Nelson Brothers Bond and Mortgage Company, Chicago, Illinois.

Balance Sheet, May 31, 1931.

Assets.

Cash on Hand and in Banks		$28,418.32
Notes and Accounts Receivable—Net		122,763.06
Inventory of Securities		302,667.52
Real Estate and Equipment—(Depreciation deducted)	$756,939.17	
Less: First Mortgages	187,200.00	
		569,739.17
Franchise—Development—Stock Discount, Etc.		118,129.43
Prepaid Expenses		258.95
Special Accounts Receivable		89,424.76
Total Assets		$1,231,401.21

Liabilities.

Notes Payable—Bank		$214,005.08
Accounts Payable—Miscellaneous		23,846.83
Accruals—Interest, Taxes, Etc		17,172.81
Miscellaneous Deposits		17,188.91
		272,213.63
Special Deposits—Directors		56,791.79
Capital accounts:		
Preferred Stock—Authorized	$1,000,000.00	
Less: Unissued Stock	228,500.00	
		771,500.00
Common Stock—Authorized	100,000.00	
Less: Unissued Stock	4,730.00	
		95,270.00
Paid on Preferred Stock Subscriptions		12,300.00
Surplus		23,325.79
Total Liabilities		$1,231,401.21

We hereby certify that the above Balance Sheet has been prepared from the books and records of account of Nelson Brothers Bond and Mortgage Company, Chicago, Illinois, and is in agreement therewith as at May 31, 1931, no appraisal of values having been made by us.

THULIN AND COMPANY,
Public Accountants.

(Stamp on back: Received Jun. 17, 1931, Legal Division.)

1880 [Endorsed:] Nos. 5530 and 5533. In the Court of Appeals of the District of Columbia. Nelson Brothers Bond & Mortgage Company (Station WIBO), Appellant, v. Federal Radio Commission. North Shore Church (Station WPCC), Appellant, v. Federal Radio Commission. Addition to record per stipulation of counsel. Federal Radio Commission. Court of Appeals, District of Columbia. Filed Dec. 10, 1931. Henry W. Hodges, Clerk.

1881 In the Court of Appeals of the District of Columbia.

No. 5530.

NELSON BROTHERS BOND & MORTGAGE COMPANY (Station WIBO), Appellant,

vs.

FEDERAL RADIO *Corporation.*

No. 5533.

NORTH SHORE CHURCH (Station WPCC), Appellant,

vs.

FEDERAL RADIO COMMISSION.

Stipulation re Designation for Printing Record.

It is stipulated by counsel for the respective parties in the above-entitled causes that the clerk be and he hereby is directed to print the record in said causes as filed, except such parts thereof as are marked for omission, which the clerk is directed to omit, such parts thereof to be omitted being marked and indicated for omission by blue

pencil on typewritten and printed folio pages of the record and by white chalk on photostat folio pages of the record, it being considered by the respective parties to the said causes that the parts so indicated for omission are immaterial to the determination of the questions involved and that the printing thereof would be a needless expense and a burdening of the record.

LEVI COOKE,
Attorney for Nelson Brothers Bond & Mortgage Company, Appellant.
LEVI COOKE,
Attorney for North Shore Church, Appellant.
THAD H. BROWN,
Attorney for Federal Radio Commission.
MABEL WALKER WILLEBRANDT,
Attorney for Intervenor, Johnson-Kennedy Radio Corporation.

1882 [Endorsed:] Nos. 5530 and 5533. In the Court of Appeals of the District of Columbia. Nelson Brothers Bond & Mortgage Company, Appellant, vs. Federal Radio Commission. (No. 5530.) North Shore Church, Appellant, vs. Federal Radio Commission. (No. 5533.) Stipulation re designation of record for printing. Levi Cooke, Attorney for Appellants. Thad. H. Brown, Counsel for Federal Radio Commission. Mrs. Mabel Walker Willebrandt, Counsel for Johnson-Kennedy Radio Corporation, Intervenor. Court of Appeals, District of Columbia. Filed Dec. 10, 1931. Henry W. Hodges, Clerk.

Endorsed on cover: Federal Radio Commission. No. 5530. Nelson Brothers Bond & Mortgage Company (Station WIBO), appellant, vs. Federal Radio Commission, Johnson-Kennedy Radio Corporation, a corporation, Intervener; Strawbridge & Clothier, intervener. Filed October 24, 1931. And No. 5533. North Shore Church (Station WPCC), appellant, vs. Federal Radio Commission, Johnson-Kennedy Radio Corporation, a corporation, Intervener; Strawbridge & Clothier, Intervener. Court of Appeals, District of Columbia. Filed Oct. 27, 1931. Henry W. Hodges, Clerk.

1137 Monday, May 2nd, A. D. 1932

No. 5530

NELSON BROTHERS BOND & MORTGAGE COMPANY (STATION WIBO), appellant

vs.

FEDERAL RADIO COMMISSION, JOHNSON-KENNEDY RADIO CORPORATION, a corporation, intervener; Strawbridge & Clothier, intervener, and

No. 5533

NORTH SHORE CHURCH (STATION WPCC), APPELLANT

vs.

FEDERAL RADIO COMMISSION, JOHNSON-KENNEDY RADIO CORPORATION, a Corporation, intervener; Strawbridge & Clothier, intervener,

On consideration of the motion to extend the time of argument herein, it is ordered that the motion be and it is hereby denied.

The argument in the above entitled causes was commenced by Mr. Levi Cooke, attorney for the appellants, and was concluded by Mr. D. M. Patrick, attorney for the appellee Federal Radio Commission.

1138 In the Court of Appeals of the District of Columbia

No. 5530

NELSON BROTHERS BOND & MORTGAGE COMPANY (STATION WIBO), appellant

v.

FEDERAL RADIO COMMISSION, JOHNSON-KENNEDY RADIO CORPORATION, a corporation, intervener; Strawbridge & Clothier, intervener

No. 5533

NORTH SHORE CHURCH (STATION WPCC), APPELLANT

v.

FEDERAL RADIO COMMISSION, JOHNSON-KENNEDY RADIO CORPORATION, a corporation, intervener; Strawbridge & Clothier, intervener

APPEALS FROM THE FEDERAL RADIO COMMISSION

(Argued May 2, 1932. Decided December 5, 1932)

Levi Cooke, of Washington, D. C., for appellant in No. 5530; Levi Cooke and Edward Clifford, both of Washington, D. C., for appellant in No. 5533.

154027—33——1

Thad H. Brown, D. M. Patrick, Fanney Neyman, all of Washington, D. C., for Federal Radio Commission.

M. W. Willebrandt, of Washington, D. C., for Johnson-Kennedy Radio Corporation, intervener.

Bethuel M. Webster, jr., and Paul M. Segal, both of Washington, D. C., for Strawbridge & Clothier, intervener.

(Before MARTIN, *Chief Justice*, and ROBB, VAN ORSDEL, HITZ, and GRONER, *Associate Justices.*)

ROBB, *Associate Justice:* Appeals from a decision of the Radio Commission granting the application of the Johnson-Kennedy Radio Corporation (Station WJKS) of Gary, Indiana, that it be assigned the 560 kc frequency shared by Stations WIBO (owned by the Nelson Brothers Bond & Mortgage Company) and WPCC (owned by the North Shore Church) of Chicago, Illinois.

1139 Station WJKS commenced broadcasting in August, 1927, with a frequency of 1,290 kc and 500 watts power, sharing time with Station WSBC, of Chicago. Under the reallocation in November, 1928, the station was assigned a frequency of 1,360 kc and shared time with Station WGES, of Chicago. Shortly thereafter, as a result of its complaint to the commission of interference, the station was granted a power output of 1,250 watts daytime and 1 kw nighttime, and continued to operate on that frequency and power. In February, 1931, the station applied for the frequency of 560 kc and unlimited time, and suggested that if the granting of its application "would require the removal of a station or stations using the facilities requested in an overquota State of the fourth zone, then the applicant desires Stations WIBO and WPCC, Chicago, as the stations to be removed." The application was designated for hearing before the chief examiner and notice given appellants and other parties in interest. Over a period of seven days voluminous testimony was taken.

After a careful review of the established facts, the examiner recommended that the application be denied. He found that the station is rendering a commendable public service on its present part-time assignment, but that the service "would be improved by the installation of the most modern radio equipment and the operation of this station in the most efficient manner on its present frequency." He further found that it is possible that "more objectionable interference would result from the operation of Station WJKS on the 560 kc channel than now results from the operation of this station at Gary on the 1,360 kc channel, since Station WNOX at Knoxville, Tenn., is separated from Gary by a distance of only 440 miles, whereas the nearest station on applicant's present assigned frequency, operating with 1 kw, is at Syracuse, N. Y., separated from Gary by a distance of 600 miles." He also found that Stations WIBO and WPCC "are meritorious stations, serving public interest, convenience, and necessity"; that "the owners and operators of

these stations have at great cost prepared themselves to exercise the broadcasting privileges heretofore granted them by the Federal Radio Commission, and in the opinion of the examiner, clear and sound reasons of public policy demand that these broadcasting privileges be not taken from them and assigned to applicant station"; that Stations WIBO and WPCC provide radio service for people within the service area of the applicant station, who also "receive a large proportion of their radio broadcasting service from stations operating in the State of Illinois, *none of which service may be charged against the quota of the State of Indiana.*" (Italics ours.)

Exceptions to the report were filed by the Johnson-Kennedy Radio Corporation, of which appellants received notice. Thereafter without notice to appellants or other parties in interest, the commission filed a statement of facts and grounds for its decision, together with its order, stating the issue to be "whether or not the public interest, convenience, and/or necessity would be served by the granting of this application and the consequent forfeiture of the facilities now assigned Stations WIBO and WPCC." The decision of the examiner was reversed and the application of the Johnson-Kennedy Radio Corporation granted. The commission found that the appli-
1140 cant station "now renders an excellent public service in the Calumet region (in which Station WJKS is located) and the granting of this application would enable that station to further extend and enlarge upon that service"; that the "granting of this application and deletion of Stations WIBO and WPCC would work a more equitable distribution of broadcasting facilities within the fourth zone."

We have held that the business of broadcasting, being a species of interstate commerce, is subject to the reasonable regulation of Congress. Technical Radio Lab. v. Fed. Radio Comm., 59 App. D. C. 125, 36 F. (2d) 111, 66 A. L. R. 1355; City of New York v. Fed. Radio Comm., 59 App. D. C. 129, 36 F. (2d) 115; Chicago Federation of Labor v. Fed. Radio Comm., 59 App. D. C. 333, 41 F. (2d) 422; KFKB Broadcasting Ass'n v. Fed. Radio Comm., 60 App. D. C. 79, 47 F. (2d) 670; Journal Co. v. Federal Radio Comm., 60 App. D. C. 92, 48 F. (2d) 461; Trinity Methodist Church v. Fed. Radio Comm., No. 5561, decided this term, — App. D. C. —, — F. (2d) —.

The question, therefore, in this case is whether the decision of the commission assigning to the applicant station the frequency enjoyed by Stations WIBO and WPCC since 1928 "and the subsequent forfeiture" of the assignment held by Stations WIBO and WPCC is a reasonable exercise of regulatory power or an arbitrary and capricious assertion of power.

Station WIBO was established in April, 1925, and represents a total cost of about $346,000, less a reserve for depreciation of about $54,000. It employs 55 persons; has monthly operating expenses of from $16,000 to $18,000. It serves a radius of from 50 to 100 miles

and, on the basis of its earnings, is estimated to be worth between $500,000 and $700,000. There is not even a suggestion that it has failed to comply in any respect with the regulations of the commission; on the contrary, it affirmatively appears that this station has been operated in the public interest.

Station WPCC was established in July, 1924, and is owned by the North Shore Church of Chicago. Prior to the installation of this broadcasting station, the church was largely in debt. The installation of the radio greatly increased the church's audiences. There are 20 radio stations in Chicago broadcasting about sixty hours of religious programs on Sundays, but there are practically no weekday spiritual programs broadcast except those of Station WPCC. That the operation of this station has been in the public interest, clearly appears.

In the reallocation of 1928 following the enactment of the Davis amendment (act of March 28, 1928, 45 Stat. 373), the commission found that conditions warranted the assignment of the frequency of 560 kc to Station WIBO (originally established in April, 1925) and Station WPCC (originally established in July, 1924), and the assignment of the frequency of 1,360 kc to Station WJKS (originally established in August, 1927). The evidence fails to disclose that there has been a material change in conditions since the reallocation of 1928.

The Davis amendment declared it to be the policy of Congress that the people of the five zones established by the radio act
1141 of 1927 are entitled to equality of radio broadcasting service, both of transmission and of reception, and that in order to provide such equality the licensing authority shall, as nearly as possible, make and maintain an equal allocation of broadcasting licenses, bands of frequency or wave lengths, periods of time for operation, and of station power, to each of the zones, " and shall make a fair and equitable allocation of licenses, wave lengths, time for operation, and station power to each of the States, the District of Columbia, the Territories, and possessions of the United States within each zone, according to population."

It will be observed that the statute directs the licensing authority to establish and maintain " as nearly as possible " equality of broadcasting service to each of the several zones, and to " make a fair and equitable allocation of licenses," etc., to each of the States within those zones. The requirement that there shall be an equal allocation to each of the zones, and " a fair and equitable allocation " to the States within each zone, according to population, is significant. Crawford v. Burke, 195 U. S. 176, 190; Johnson v. United States, 225 U. S. 405, 415; Brewster v. Gage, 280 U. S. 327, 337. The fourth zone, in which the stations directly involved in this controversy are located, comprises the States of Indiana, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Kansas, and Missouri. Congress declared that the people of all the zones are entitled to equality

of broadcasting service, but evidently recognized that the licensing authority might not be able to establish and maintain an exact mathematical equality among the zones, hence the language, "establish and maintain as nearly as possible." After providing for the establishment and maintenance of nearly equal facilities among the zones, Congress in dealing with the problem evidently anticipated that greater difficulty would arise in undertaking to equalize allocations to the several States within a zone, and therefore provided for, not equal, but "fair and equitable allocation" to the States within a zone. The House committee report on the amendment states, inter alia: "This amendment looks to the future. It declares in terms the duty of the licensing authority to make an equal allocation among the five zones, of broadcasting licenses, * * * and provides that within each zone there shall be an equitable allocation among the States thereof in proportion to the population and power. The equality here sought is not an exact mathematical division. That may be physically impossible." (H. R. Rep. No. 800, 70th Cong., 1st sess.)

We have repeatedly held that "it would not be consistent with the legislative policy to equalize the comparative broadcasting facilities of the various States or zones by unnecessarily injuring stations already established which are rendering valuable services to their natural service areas." Reading Broadcasting Co. v. Fed. Radio Comm., 60 App. D. C. 89, 48 F. (2d) 458; Chicago Fed. of Labor v. Fed. Radio Comm., 59 App. D. C. 333, 41 F. (2d) 422. In Strawbridge & Clothier v. Fed. Radio Comm., 61 App. D. C. —, 57 F. (2d) 434, we sustained the commission, although the applicant station was in an underquota State and an underquota zone and sought an increase of power which would have affected stations in an overquota State in an overquota zone. There would have
1142 been more justification for the granting of the application in that case than in this, for here the parties most affected are in one zone and the applicant station is located within 30 miles of Chicago, from which Gary and surrounding territory receives much of its radio service, although, as observed by the examiner, none of that service is charged against the Indiana quota. While Station WJKS, through this application, seeks greater opportunity to furnish broadcasting service to the people of Gary and surrounding territory, it is in evidence that it even now devotes from two to three hours daily to broadcasting phonograph records. It also suggests that it has special programs for the foreign-born element of Gary, but the record discloses that the total number of foreign born in Chicago is greater than in Gary and vicinity.

Station WIBO had been broadcasting for more than two years, and Station WPCC more than three years, when station WJKS entered the field. The only apparent reason for granting the application of Station WJKS and destroying the other two stations is that Indiana is underquota, which in the circumstances furnishes

no substantial justification for the decision of the commission. As already observed, the evidence discloses that Stations WIBO and WPCC have been and are "serving public interest, convenience, and necessity" certainly to as great an extent as the applicant station. In our view, the conclusively established and admitted facts furnish no legal basis for the decision of the commission. In other words, the decision is in a legal sense arbitrary and capricious.

Another point remains. Appellants complain that the decision of the commission was rendered without notice to them. Not having sought a hearing, appellants are not in a position to raise this question. Goldsmith v. Bd. of Tax Appeals, 270 U. S. 117.

The decision is reversed and the case remanded.

Reversed and remanded.

1143 Court of Appeals of the District of Columbia

No. 5530

NELSON BROTHERS BOND & MORTGAGE COMPANY (STATION WIBO), appellant

v.

FEDERAL RADIO COMMISSION, JOHNSON-KENNEDY RADIO CORPORATION, a corporation, intervener; Strawbridge & Clothier, intervener

No. 5533

NORTH SHORE CHURCH (STATION WPCC), APPELLANT

v.

FEDERAL RADIO COMMISSION, JOHNSON-KENNEDY RADIO CORPORATION, a corporation, intervener; Strawbridge & Clothier, intervener

GRONER, J., dissenting: I regret I am not able to concur in the opinion of the court in this case. In point of fact the controversy involves a contest between a radio station now located in Gary, Indiana, and two stations now located in Chicago, Illinois. The Indiana station now operates on the frequency 1,360 kc—the Chicago stations on a frequency of 500 kc, sharing hours of operation. The Indiana station applied to the commission for a modification of station license, and requested the frequency 560 kc used by the two Chicago stations. The commission granted the application. The opinion reverses this decision. I think it should be affirmed.

The question for decision, as it appears to me, is the right and power of the Radio Commission, in the public interest, to refuse to renew the license of a station in an overquota State and transfer its facilities to an applicant station in an underquota State. The answer, and the conditions on which the answer depends, requires an examination of the act of March 28, 1928, known as the Davis

amendment (45 Stat. 373; title 47 U. S. C. A., sec. 89), which provides:

"SEC. 5. The second paragraph of section 9 of the radio act of 1927 is amended to read as follows:

"It is hereby declared that the people of all the zones established by section 2 of this act (47 U. S. C. A., sec. 82) are entitled to equality of radio broadcasting service, both of transmission and of reception, and in order to provide said equality the licensing authority shall as nearly as possible make and maintain an equal allo-
1144 cation of broadcasting licenses, of bonds of frequency or wave lengths, of periods of time for operation, and of station power, to each of said zones when and in so far as there are applications therefor; and shall make a fair and equitable allocation of licenses, wave lengths, time for operation, and station power to each of the States, the District of Columbia, the Territories and possessions of the United States within each zone, according to population. The licensing authority shall carry into effect the equality of broadcasting service hereinbefore directed, whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power when applications are made for licenses or renewals of licenses: *Provided*, That if and when there is a lack of applications from any zone for the proportionate share of licenses, wave lengths, time of operation, or station power to which such zone is entitled, the licensing authority may issue licenses for the balance of the proportion not applied for from any zone, to applicants from other zones for a temporary period of ninety days each, and shall specifically designate that said apportionment is only for said temporary period. Allocations shall be charged to the State, District, Territory, or possession wherein the studio of the station is located and not where the transmitter is located."

We have had occasion recently to examine the extent of the right conferred on the owner of a radio broadcasting station, and in Trinity Methodist Church, South, v. Federal Radio Commission, decided this term, held that such right is permissive only, and, under the commerce clause, within the regulatory power of Congress. We said in that case, as we have said in previous cases, that interstate radio broadcasting is interstate commerce, and that one who engages in interstate commerce does so subject to the regulatory power of Congress, and therefore obtains no property right to be free from the exercise of that power. In the Trinity Church case we stated the test to be, whether the restrictive measures which Congress may apply from time to time are reasonably adapted to secure the purposes and objects of regulation. In such cases the enforcement of the regulation without compensation is not an unconstitutional taking of property, or without due process of law. Atlantic Coast Line v. Goldsboro (232 U. S. 548, 558-9). In the decision referred to we reached the conclusion that the power of Congress over the chan-

nels of interstate transmission was coextensive with the power of Congress over the navigable waterways of the country, and we called attention to the rule last announced by the Supreme Court in the case of Greenleaf-Johnson Lumber Co. v. Garrison (237 U. S. 251), which was a case where the owner of a wharf, constructed pursuant to the permission of the State prior to the assertion by the Government of authority over the river, was required to demolish it without compensation when the Government asserted its power and changed the lines of navigability.

Section 9 of the radio act of 1927, as amended by section 5 of the act of March 28, 1928, which I have quoted above, authorizes the commission, in granting or refusing a license, or renewal of license, to bring about equality of broadcasting service in the different zones, into which the country is divided by section 2 of the act (47
1145 U. S. C. A. 282), and to allocate the licenses, etc., within the zones proportionately between the States comprising the zone, according to population. The debates in Congress prior to the adoption of the act of 1927 indicate a recognition by Congress of the well-known fact that, prior to the passage of the act, chaotic conditions existed in the broadcasting field. There were within fifty miles of Chicago forty stations, of New York thirty-eight, of Philadelphia thirty-two, and of San Francisco twenty-two. It was this unequal distribution of the limited number of wave lengths, etc., and the recognition of the principle that equality of service within the several States depends in considerable measure in a proper distribution of operating stations within the States that induced the passage of the Davis amendment. The amendment is a determination of policy by Congress, for its preamble declares, "It is hereby declared that the people of all the zones * * * are entitled to equality of radio broadcasting service, both of transmission and of reception." And since it is based on the equality of privilege among the several States, it is neither unreasonable nor arbitrary. Nor can it be properly insisted there is any conflict between the requirements of the amendment and the standard of public interest prescribed by the original act. The former of necessity yields to the latter. The commission must take into consideration public convenience, interest, and necessity, and if and when these be satisfied, then the standard of sectional equality is mandatory and should be applied.

The record here discloses that the State of Illinois is fifty-five per cent over quota while the State of Indiana is twenty-two per cent under quota. Indiana has only sixteen stations of any power, only four of which are full-time stations, as compared to thirty-seven stations assigned to and operating in Illinois. Indiana has only one station with as much power as 5 kw, and that is only a part-time station, while eleven of the thirty-seven stations located in Illinois have power ranging from 5 to 50 kw. In these circumstances it is obvious that if the Davis amendment is to be applied, its terms are controlling in the conditions existing here, and this brings me to

consider whether, in view of the terms of the amendment, the decision of the commission is capricious, unreasonable, or arbitrary.

The opinion of this court entirely ignores the findings of the commission but relies on those of the examiner, which the commission expressly overruled. In so doing I think the court is substituting its own conclusions for those of the commission, and I had assumed that, in view of the change in the statute (46 Stat. 844; 47 U. S. C. A., sec. 96), this might not be done—especially since it is not claimed that there was any irregularity in the proceedings or error in the application of the rules of law.

Summarized, the commission's findings of fact are that intervener's (the Indiana station) then service was in all respects excellent, and that the granting of the application would extend and enlarge this service; that the effect of the withdrawal of appellants' (the Chicago stations) permits would not militate in any respect against persons (the public) now within the area of those stations, nor the granting of the application (of the Indiana station) increase interference within that area with any other station; that the granting of the application would work a more equitable distribu-
1146 tion of broadcasting facilities within that zone, and would serve the public interest, convenience, and necessity. The evidence, I think, sustains these conclusions.

It shows that the two Chicago stations operate together under temporary and revocable renewal licenses granted and accepted "subject to such action as the commission may take after hearing on the application filed by" the Gary (Indiana) station. One of the Chicago stations (Nelson Brothers Bond Co.) had been in operation since 1925, and by original permit of the Radio Commission since November 27, 1927, at which time it was assigned to 560 kc frequency in collaboration with the other appellant station (North Shore Church). It is affiliated with the National Broadcasting Company's chain program broadcasting. Its companion station (North Shore Church) uses only the time from 12.30 to 4.30 p. m. and 7 to 8 o'clock p. m. on Sunday, and from 12 to 12.30 p. m. each day. Its broadcasts are exclusively religious in character. The evidence shows that both stations were complying in all respects with the rules and regulations of the Radio Commission. Their area included the Calumet district served by intervener. It was determined by the commission, however, that their withdrawal from the air would still leave that, as well as all other territory served by them, fully served by other stations broadcasting in the main substantially the same programs, and the evidence bears out this finding.

Intervener's station is located at Gary, Indiana, and, at the time of its application for greater facilities, was able to reach only a few miles outside the city proper. Beyond that it was subject to serious interference. Gary is a town of about a hundred thousand people, and the "Calumet territory" surrounding it has a population of approximately a million people, who depend upon the steel

industry for a living. Nearly two-thirds are of foreign birth. Intervener provides programs to meet the needs of this foreign population. Several witnesses described the station as the "community center." Its programs are arranged to meet the wishes of each nationality, and are rendered both in English and the languages of the different nationalities. Among its special features are English speaking programs, religious broadcasts, Americanization, amateur broadcasts by children, and community activities broadcasts. There is evidence in the record to support the commission's finding that on its present frequency it is not able to operate satisfactorily. To avoid this trouble and to meet the needs of the workers in Gary, and in that neighborhood, who, in normal times, work with three shifts on a full twenty-four hour day, it asks for full time and a change in frequency.

Epitomized, therefore, the evidence shows that all three stations concerned are now rendering satisfactory service, but that operation of the two Chicago stations may be terminated without detriment to the public interest, and that the service of the Indiana station may be improved and extended in the public interest by granting to it the facilities now enjoyed by the other two. Coupled with this is the fact that the Chicago stations are located in an overquota State and the Indiana station in an underquota State. More than this is unnecessary if the intent of Congress, as expressed in the amendment, is to be given effect, for Congress has conferred
1147 on the commission, in the first place, just as it had in the case of the Interstate Commerce Commission, the power to determine what is and what is not in the public interest, and, in the second place, has admonished it, when this condition is met, to "make a fair and equitable allocation of licenses, wave lengths, time for operation, and station power to each of the States, the District of Columbia, the Territories, and possessions of the United States within each zone, according to population." In the instant case, the commission has declared that by reason of the character of the population in the Calumet district, its foreign origin, its hours of service, and such like matters, it is entitled to and ought to receive in the fullest measure possible the sort of program provided by the Gary station. This is no more than the recognition of a difference in sectional interests and conditions and an extension of the opportunity to those interests to gratify their local tastes. This was the purpose and object of the amendment.

If, therefore, upon an application for a station permit in an underquota State, or for an increase of facilities by an already authorized station, the commission, after hearing, decides the public interest will be served by granting the application, and the evidence reasonably supports that decision, as undoubtedly is the case here, I think it has, under the Davis amendment, not only the right and power to grant the application, but that the plain and explicit language of the amendment requires it to do so, for in no other way

can the equalization which Congress has declared should obtain be accomplished. In such a case, if injury results to the holder of a revocable permit, the injury is said to be damnum absque injuria.

Since Congress possesses the power, the right to assert it may not be questioned, nor the motives which impel it inquired into, nor its wisdom challenged. It is for the courts to follow the law as they find it. Hamilton *v.* Distilleries Co., 251 U. S. 146, 161.

If Congress should hereafter think that the progress of the science and the stability of investments made in its development will be better advanced and the public interest benefited by modification or reversal of the policy inducing the passage of the amendment, a repeal or modification will avoid such a situation as exists here, but that, unfortunately for appellants, is not now the case.

I am not unmindful of the fact that the effect of this is to impose upon the commission great responsibility and wide powers affecting large investments in property, and likewise discretion in the ascertainment of the "public interest" without explicit standards or formulæ. But as to this we can only say that the Supreme Court has several times approved standards no more definite in cases where, as here, the delegation was to executive boards or officers. See Mahler *v.* Eby, 264 U. S. 32, 41; Colorado *v.* United States, 271 U. S. 153, 169; Mutual Film Corp. *v.* Industrial Com., 236 U. S. 230, 245. Besides, the radio act requires certain definite information from those applying for permits, and this and the evidence of comparative benefits developed at the hearings furnish a reasonable basis for applying the statutory standard as nearly free from unjust discrimination as is possible. Here the commission has assigned definite reasons for its refusal to renew appellants' licenses on
1148 the one hand and the transfer of their facilities to intervener on the other. These, as we have seen, show that the action taken would supply an existing need to the people in Indiana without corresponding loss to the people of Illinois and would carry out the congressional will. This, I think, is enough.

Judge Hitz authorizes me to say that he concurs in this dissent.

A true copy.

Teste:

Clerk, Court of Appeals, D. C.

1149 Monday, December 5th, A. D. 1932

No. 5530 (October term, 1932)

NELSON BROTHERS BOND & MORTGAGE COMPANY (STATION WIBO) appellant

vs.

FEDERAL RADIO COMMISSION, JOHNSON-KENNEDY RADIO CORPORATION, a corporation, intervener; Strawbridge & Clothier, intervener, and

No. 5533 (October term, 1932)

NORTH SHORE CHURCH (STATION WPCC), APPELLANT

vs.

FEDERAL RADIO COMMISSION, JOHNSON-KENNEDY RADIO CORPORATION, a corporation, intervener; Strawbridge & Clothier, intervener

Appeals from the Federal Radio Commission. This cause came on to be heard on the transcript of the record from the Federal Radio Commission and was argued by counsel. On consideration whereof, it is now here ordered and adjudged by this court that the decision of the said Federal Radio Commission in this cause be and the same is hereby reversed and the case remanded to the said Federal Radio Commission.

Per Mr. JUSTICE ROBB.

December 5, 1932.

Dissenting: Mr. Justice HITZ and Mr. Justice GRONER.

1150 In the Court of Appeals of the District of Columbia

No. 5530

NELSON BROTHERS BOND & MORTGAGE COMPANY (STATION WIBO), appellant

v.

FEDERAL RADIO COMMISSION

No. 5533

NORTH SHORE CHURCH (STATION WPCC), APPELLANT

v.

FEDERAL RADIO COMMISSION

Motion to stay mandate

Now comes the Federal Radio Commission, appellee in the above entitled causes, by its general counsel, D. M. Patrick, and moves the court for a stay of mandate herein under rule 24, pending application for certiorari to the Supreme Court of the United States.

FEDERAL RADIO COMMISSION,
By D. M. PATRICK,
General Counsel.

FANNEY NEYMAN,
Assistant Counsel.

1151 To: Levi Cooke, counsel for Nelson Brothers Bond & Mortgage Company (Station WIBO) and North Shore Church (Station WPPC), appellants, Union Trust Building, Washington, D. C.; Mrs. Mabel Walker Willebrandt, counsel for Johnson-Kennedy Radio Corporation (Station WJKS), intervener, Shoreham Building, Washington, D. C.

Notice

Notice is hereby given that the foregoing and annexed motion to stay the mandate in the above-entitled causes is being filed in the Court of Appeals of the District of Columbia December 14th, A. D., 1932.

FEDERAL RADIO COMMISSION,
By D. M. PATRICK,
General Counsel.

Service of the foregoing and annexed motion to stay the mandate and notice thereof received and acknowledged this 14th day of December, A. D., 1932.

LEVI COOKE,
Attorney for Nelson Brothers Bond & Mortgage Company (Station WIBO) and North Shore Church (Station WPPC).
MABEL WALKER WILLEBRANDT,
By V. MANKINEN,
Attorney for Johnson-Kennedy Radio Corporation (Station WJKS), Intervener.

(Endorsed:) 5530 and 5533. Nelson Brothers Bond & Mortgage Company (Station WIBO) and North Shore Church (Station WPCC), appellants, vs. Federal Radio Commission. Motion to stay mandate. Court of Appeals. District of Columbia. Filed December 14, 1932. Henry W. Hodges, clerk.

1152 Friday, December 16th, A. D. 1932

No. 5530

NELSON BROTHERS BOND & MORTGAGE CO., APPELLANT
vs.
FEDERAL RADIO COMMISSION, and

No. 5533

NORTH SHORE CHURCH, APPELLANT
vs.
FEDERAL RADIO COMMISSION

On consideration of the motion to stay the mandates in the above-entitled causes under rule 24, pending application for certiorari, it is ordered by the court that the motion be and it is hereby granted.

1153 In the Court of Appeals of the District of Columbia

No. 5530

NELSON BROTHERS BOND & MORTGAGE COMPANY (STATION WIBO), appellant

v.

FEDERAL RADIO COMMISSION, JOHNSON-KENNEDY RADIO CORPORATION, intervener; Strawbridge & Clothier, intervener; and

No. 5533

NORTH SHORE CHURCH (STATION WPCC), APPELLANT

v.

FEDERAL RADIO COMMISSION, JOHNSON-KENNEDY RADIO CORPORATION, intervener; Strawbridge & Clothier, intervener

Request for transcript of record

The clerk will please prepare a transcript of record in the above-entitled causes, including therein the following:

1. Printed record in the Court of Appeals;
2. Minute entry of May 2, 1932, showing argument of causes;
3. Opinion of the court;
4. Judgment of the court;
5. Motion of commission for stay of mandate;
6. Order of the court granting stay of mandate;
7. This designation; and,
8. Clerk's certificate.

D. M. PATRICK,
Attorney for Federal Radio Commission.

1154 Acknowledgment of service

Service of the within and foregoing request for transcript of record is acknowledged and a copy thereof received this day of January, 1933.

F. W. WEITZEL,
Attorney for Appellant,
Nelson Bros. Bond & Mortgage Co.
F. W. WEITZEL,
Attorney for Appellant,
North Shore Church.
MABEL WALKER WILLEBRANDT,
Attorney for Intervener,
Johnson-Kennedy Radio Corporation.
PAUL M. SEGAL,
Attorney for Intervener,
Strawbridge & Clothier.

(Endorsed:) 5530 and 5533. Nelson Bros. Bond & Mortgage Co. (Station WIBO) and North Shore Church (Station WPCC), appellants, vs. Federal Radio Commission et al. Request for transcript of record. Court of Appeals, District of Columbia. Filed January 6, 1933. Henry W. Hodges, clerk.

1155 Court of Appeals of the District of Columbia

I, Henry W. Hodges, clerk of the Court of Appeals of the District of Columbia, do hereby certify that the foregoing printed and typewritten pages numbered from 1 to 1154, inclusive, constitute a true copy of the transcript of record and proceedings of said Court of Appeals as designated by counsel in the cases of Nelson Brothers Bond & Mortgage Company (Station WIBO), appellant vs. Federal Radio Commission; Johnson-Kennedy Radio Corporation, a corporation, intervener; Strawbridge & Clothier, intervener, No. 5530; and North Shore Church (Station WPCC), appellant vs. Federal Radio Commission, Johnson-Kennedy Radio Corporation, a corporation, intervener; Strawbridge & Clothier, intervener, No. 5533, January term, 1932, as the same remain upon the files and records of said Court of Appeals.

In testimony whereof I hereunto subscribe my name and affix the seal of said Court of Appeals, at the city of Washington, this 9th day of January, A. D. 1932.

[SEAL.]

HENRY W. HODGES,
Clerk of the Court of Appeals
of the District of Columbia.

U. S. GOVERNMENT PRINTING OFFICE: 1933

1152 In the Court of Appeals of the District of Columbia

No. 5530

NELSON BROTHERS BOND & MORTGAGE COMPANY (STATION WIBO), appellant

v.

FEDERAL RADIO COMMISSION, JOHNSON-KENNEDY RADIO CORPORATION, a Corporation, intervener; Strawbridge & Clothier, intervener

And No. 5533

NORTH SHORE CHURCH (STATION WPCC), APPELLANT

v.

FEDERAL RADIO COMMISSION, JOHNSON-KENNEDY RADIO CORPORATION, a Corporation, intervener; Strawbridge & Clothier, intervener

Summons and severance

To STRAWBRIDGE & CLOTHIER,
Intervener in the Above Causes.

Please take notice that the Federal Radio Commission intends seasonably to file a petition to the Supreme Court of the United States for writs of certiorari to review the final decree of the Court of Appeals entered December 5, 1932, in the above-entitled causes, in which you are an intervener. You are hereby invited to join with the Federal Radio Commission in said application for review.

In the event of your failure to join before January 27, 1933, the Federal Radio Commission will apply to the Court of
1153 Appeals for an order of severance and will file said petition for certiorari without joining you.

Dated at Washington, D. C., this 27 day of January, 1933.

D. M. PATRICK,
General Counsel, Federal Radio Commission.

Service of the foregoing summons and severance and the receipt of a copy thereof are hereby acknowledged this 27 day of January, 1933.

STRAWBRIDGE & CLOTHIER,
Intervener.

(Sgd.) PAUL M. SEGAL,
Attorney of Record.

1154 [Endorsed:] Nos. 5530 and 5533. In the Court of Appeals of the District of Columbia. Nelson Brothers Bond & Mortgage Company (Station WIBO), appellant, v. Federal Radio Commission, Johnson-Kennedy Radio Corporation, a Corporation, inter-

vener; Strawbridge & Clothier, intervener, and North Shore Church (Station WPCC), appellant, v. Federal Radio Commission, Johnson-Kennedy Radio Corporation, a Corporation, intervener; Strawbridge & Clothier, intervener. Summons and severance. Court of Appeals, District of Columbia. Filed Jan. 27, 1933. Henry W. Hodges, clerk.

1155 In the Court of Appeals of the District of Columbia

No. 5530

NELSON BROTHERS BOND & MORTGAGE COMPANY (STATION WIBO), appellant

v.

FEDERAL RADIO COMMISSION, JOHNSON-KENNEDY RADIO CORPORATION, a Corporation, intervener; Strawbridge & Clothier, intervener

And No. 5533

NORTH SHORE CHURCH (STATION WPCC), APPELLANT

v.

FEDERAL RADIO COMMISSION, JOHNSON-KENNEDY RADIO CORPORATION, a Corporation, intervener; Strawbridge & Clothier, intervener

Waiver of notice of motion for severance and consent to entry of order

Strawbridge & Clothier, intervener in the above causes, acknowledges receipt of the summons and severance served by the Federal Radio Commission, on January 27, 1933, and hereby comes and informs the court that it declines to join in the petition for writs of certiorari to be filed by the Federal Radio Commission in said causes, believing its interest to be adverse thereto.

It hereby waives other or further notice of motion for severance and hereby consents that an order of severance may be entered against it, barring it from said review.

STRAWBRIDGE & CLOTHIER,
Intervener.
PAUL M. SEGAL,
Attorney of Record.

1156 [Endorsed:] Nos. 5530 and 5533. In the Court of Appeals of the District of Columbia. Nelson Brothers Bond & Mortgage Company (Station WIBO), appellant, v. Federal Radio Commission, Johnson-Kennedy Radio Corporation, a Corporation, intervener; Strawbridge & Clothier, intervener, and North Shore Church (Station WPCC), appellant, v Federal Radio Commission, Johnson-Kennedy Radio Corporation, a Corporation, intervener; Strawbridge & Clothier, intervener. Waiver of notice of motion for

severance and consent to entry of order. Court of Appeals, District of Columbia. Filed Jan. 27, 1933. Henry W. Hodges, clerk.

1157 In the Court of Appeals of the District of Columbia

No. 5530

NELSON BROTHERS BOND & MORTGAGE COMPANY (STATION WIBO), appellant

v.

FEDERAL RADIO COMMISSION, JOHNSON-KENNEDY RADIO CORPORATION, a Corporation, intervener; Strawbridge & Clothier, intervener

And No. 5533

NORTH SHORE CHURCH (STATION WPCC), APPELLANT

v.

FEDERAL RADIO COMMISSION, JOHNSON-KENNEDY RADIO CORPORATION, a Corporation, intervener; Strawbridge & Clothier, intervener

Motion for severance

Now comes the Federal Radio Commission, appellee, and shows the court that it has given due notice to the intervener in the above-entitled causes, Strawbridge & Clothier; that it intends seasonably to file a petition in the Supreme Court of the United States for writs of certiorari to review the final decree of this court in said causes, entered December 5, 1932, and has invited said intervener to join therein; that said intervener has refused to join in said petition for review, believing its interest to be adverse thereto, and has waived notice of this motion and consented that an order of severance be entered against it.

1158 Wherefore, the Federal Radio Commission moves the court for an order allowing it to file said petition for writs of certiorari in the above causes without joining said intervener, Strawbridge & Clothier, and without reference to its interest therein.

FEDERAL RADIO COMMISSION,
By D. M. PATRICK,
General Counsel.

JANUARY 27, 1933.

1159 [Indorsement:] Ns. 5530 and 5533. In the Court of Appeals of the District of Columbia. Nelson Brothers Bond & Mortgage Company (Station WIBO), Appellant, v. Federal Radio Commission, Johnson-Kennedy Radio Corporation, a Corporation, intervener; Strawbridge & Clothier, intervener, and North Shore Church (Station WPCC), appellant, v. Federal Radio Commission,

Johnson-Kennedy Radio Corporation, a Corporation, intervener; Strawbridge & Clothier, intervener. Motion for severance. Court of Appeals, District of Columbia. Filed Jan. 27, 1933. Henry W. Hodges, clerk.

1160 Friday, January 27th, A. D. 1933

* * * * * * *

No. 5530

NELSON BROTHERS BOND & MORTGAGE COMPANY (STATION WIBO), appellant

v.

FEDERAL RADIO COMMISSION, JOHNSON-KENNEDY RADIO CORPORATION, a Corporation, intervener; Strawbridge & Clothier, intervener

And No. 5533

NORTH SHORE CHURCH (STATION WPCC), APPELLANT

v.

FEDERAL RADIO COMMISSION, JOHNSON-KENNEDY RADIO CORPORATION, a Corporation, intervener; Strawbridge & Clothier, intervener

Order of severance

This court, having satisfactory proof that the Federal Radio Commission has served due notice upon the intervener in the above causes, Strawbridge & Clothier, that the Federal Radio Commission is filing a petition to the Supreme Court of the United States for writs of certiorari to review the final decree of this court in the above causes, entered December 5, 1932, and has invited said intervener to join in said petition; that said intervener, Strawbridge & Clothier, has refused to join with the Federal Radio Commission in applying for writs of certiorari in said causes, believing its interest to be adverse thereto; that said intervener has waived notice of motion for severance and has consented that an order of severance may be entered against it, and,

The court finding that the Federal Radio Commission is entitled to file said petition for writs of certiorari without joining said intervener:

1161 It is hereby ordered that the appellee, Federal Radio Commission be, and it hereby is, allowed to file said petition for writs of certiorari in said causes without joining said intervener, Strawbridge & Clothier, and without reference to its interest in said causes.

GEORGE E. MARTIN,
Chief Justice of the Court of Appeals of the District of Columbia.

JANUARY 27, 1933.

In the Court of Appeals of the District of Columbia

No. 5530

NELSON BROTHERS BOND & MORTGAGE COMPANY (STATION WIBO), appellant

v.

FEDERAL RADIO COMMISSION, JOHNSON-KENNEDY RADIO CORPORATION, intervener; Strawbridge & Clothier, intervener

And No. 5533

NORTH SHORE CHURCH (STATION WPCC), appellant

v.

FEDERAL RADIO COMMISSION, JOHNSON-KENNEDY RADIO CORPORATION, intervener; Strawbridge & Clothier, intervener

Request for addition to transcript of record

The clerk will please prepare a further and additional transcript of record in the above-entitled causes, including therein the following:

1. Summons and severance directed to Strawbridge & Clothier, intervener;
2. Waiver of notice of motion for severance and consent to entry of order;
3. Motion for severance;
4. Order of severance;
5. Ths designation; and
6. Clerk's certificate.

D. M. PATRICK,
General Counsel, Federal Radio Commission.

Acknowledgment of service

Service of the within and foregoing request for addition to transcript of record is acknowledged and a copy thereof received this day of January, 1933.

F. W. WEITZEL,
Attorney for Appellant,
Nelson Bros. Bond & Mortgage Co.
F. W. WEITZEL,
Attorney for Appellant,
North Shore Church.
MABEL WALKER WILLEBRANDT,
Attorney for Intervener,
Johnson-Kennedy Radio Corporation.
PAUL M. SEGAL,
Attorney for Intervener,
Strawbridge & Clothier.

[Endorsed:] 5530, 5533. Nelson Bros. Bond & Mortgage Company (Station WIBO) and North Shore Church (Station WPCC), appellants, vs. Federal Radio Commission, et al. Request for addition to transcript of record. Court of Appeals, District of Columbia. Filed January 27, 1933. Henry W. Hodges, clerk.

Court of Appeals of the District of Columbia

I, Henry W. Hodges, clerk of the Court of Appeals of the District of Columbia, do hereby certify that the foregoing typewritten pages numbered from 1 to 12, inclusive, constitute a true copy of summons and severance directed to Strawbridge & Clothier, interveners; waiver of notice of motion for severance and consent to entry of order; motion for severance; order of severance and designation, in the cases of Nelson Brothers Bond & Mortgage Cmpany (Station WIBO), appellants vs. Federal Radio Commission, Johnson-Kennedy Radio Corporation, a Corporation, interveners; Strawbridge & Clothier, intervener, and North Shore Church (Sation WPCC), appellant, vs. Federal Radio Commission, Johnson-Kennedy Radio Corporation, a Corporation, intervener; Strawbridge & Clothier, intervener, Nos. 5530, 5533, January term, 1933, as the same remain upon the files and records of said Court of Appeals.

In testimony whereof, I hereunto subscribe my name and affix the seal of said Court of Appeals, at the city of Washington, this 28th day of January, A. D. 1933.

[SEAL.]

HENRY W. HODGES,
Clerk of the Court of Appeals
of the District of Columbia.

U. S. GOVERNMENT PRINTING OFFICE: 1933

1158 SUPREME COURT OF THE UNITED STATES

No. 657, October Term, 1932

Order allowing certiorari. Filed March 13, 1933

The petition herein for a writ of certiorari to the Court of Appeals of the District of Columbia is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

1159 SUPREME COURT OF THE UNITED STATES

No. 658, October Term, 1932

Order allowing certiorari. Filed March 13, 1933

The petition herein for a writ of certiorari to the Court of Appeals of the District of Columbia is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

1160 SUPREME COURT OF THE UNITED STATES

No. 659, October Term, 1932

Order allowing certiorari. Filed March 13, 1933

The petition herein for a writ of certiorari to the Court of Appeals of the District of Columbia is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

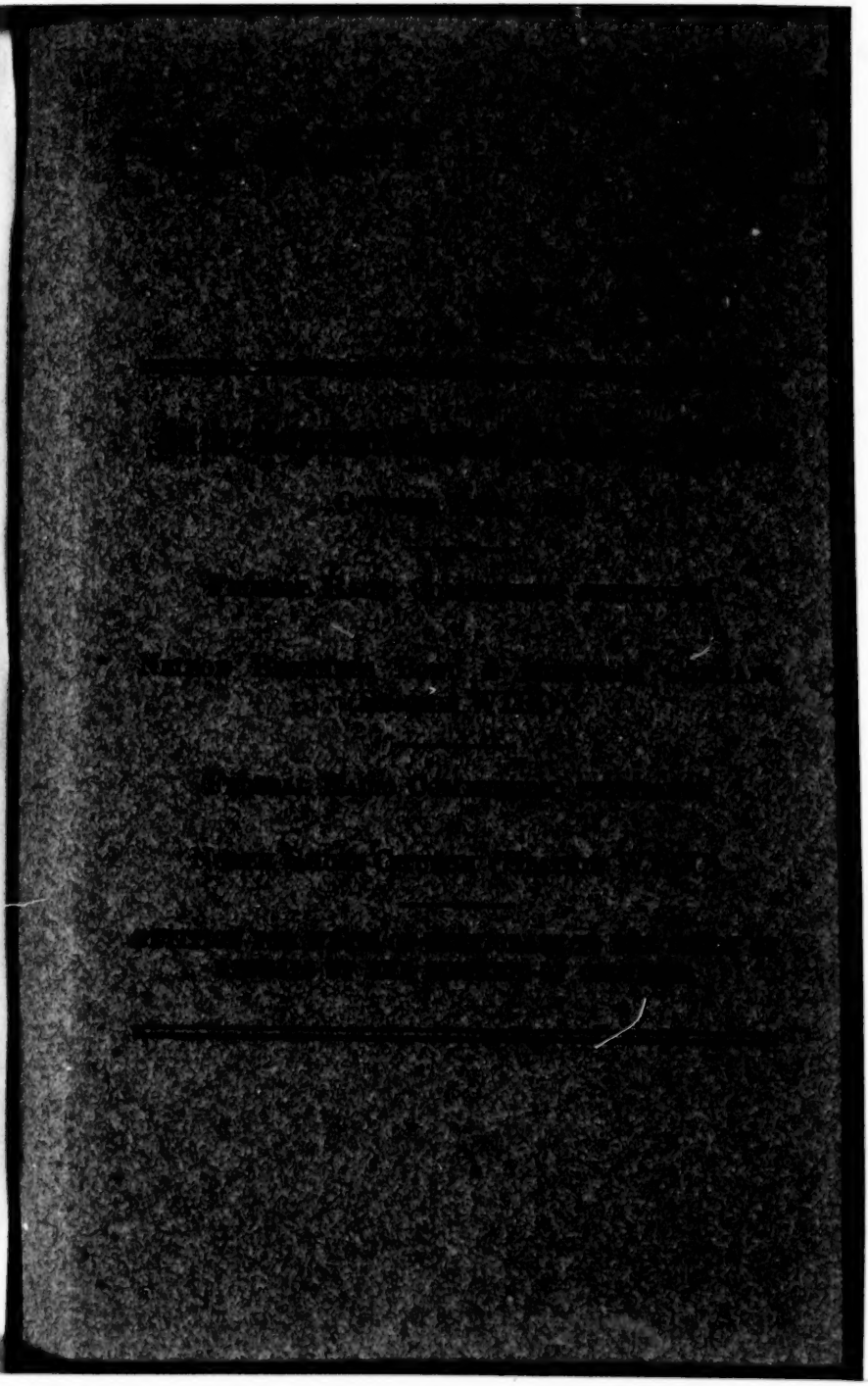
1161 SUPREME COURT OF THE UNITED STATES

No. 660, October Term, 1932

Order allowing certiorari. Filed March 13, 1933

The petition herein for a writ of certiorari to the Court of Appeals of the District of Columbia is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

U. S. GOVERNMENT PRINTING OFFICE: 1933



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CITATIONS

Statute:	
Radio Act of 1927, as amended (c. 169, 44 Stat. 1166, as amended March 28, 1928, c. 263, 45 Stat. 373; 47 U. S. C. Sec. 89; and as amended July 1, 1930, c. 788, 46 Stat. 844; U. S. C., Sup. VI, Title 47, Sec. 96 (a) (1), (d)):	
Sec. 9	18
Sec. 11	19
Sec. 16 (a) (1), (d)	20

In the Supreme Court of the United States

OCTOBER TERM, 1932

No. —

FEDERAL RADIO COMMISSION, PETITIONER

v.

NELSON BROTHERS BOND & MORTGAGE COMPANY (Station WIBO)

No. —

FEDERAL RADIO COMMISSION, PETITIONER

v.

NORTH SHORE CHURCH (STATION WPCC)

PETITION FOR WRITS OF CERTIORARI TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

The Solicitor General, on behalf of the Federal Radio Commission, prays that writs of certiorari issue to review the decree of the Court of Appeals of the District of Columbia entered in the causes between the above-named parties on December 5, 1932, which reversed an order of the Federal Radio Commission refusing to renew the respondents' broadcasting licenses and granting the application of a third station for the use of the frequency now assigned to the respondents.

OPINIONS BELOW

The opinions of the Court of Appeals (R. 1138–1147) are not reported.

JURISDICTION

The decree of the Court of Appeals in each cause was entered December 5, 1932. (R. 1148.) The jurisdiction of this Court is invoked under Section 240 (a) of the Judicial Code, as amended by the Act of February 13, 1925, and under Section 16 of the Radio Act of 1927, as amended by the Act of July 1, 1930, c. 788, 46 Stat. 844.[1]

QUESTION PRESENTED

Whether under the Act of March 28, 1928, the Federal Radio Commission, in exercising its licensing power, is authorized to decline to renew a license to use a frequency previously used by two stations rendering satisfactory service in a grossly overquota State, and, upon a finding that the public interest would be served thereby, to license the use of this frequency to a meritorious station in an underquota State, for the purpose of extending and improving the service of the latter station and bringing about a greater degree of equality in the broadcasting facilities licensed in the two States.

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[1] A petition on behalf of the Johnson-Kennedy Radio Corporation, intervenor below, is being filed simultaneously with this petition. An order of severance as to Strawbridge & Clothier, the other intervenor, has been obtained and filed as a part of the record in this case.

STATUTE INVOLVED

The pertinent provisions of the Radio Act of 1927 (c. 169, 44 Stat. 1162), as amended by the Act of March 28, 1928 (c. 263, 45 Stat. 373), known as the Davis Amendment, and as further amended by the Act of July 1, 1930 (c. 788, 46 Stat. 844), are set forth in the Appendix, *infra,* pp. 18–21.

STATEMENT

The respondents are Chicago broadcasting stations sharing time, under licenses from the Federal Radio Commission, on the frequency of 560 kc. They filed separate appeals (R. 1–6, 17–24) in the Court of Appeals of the District of Columbia from an order of the Federal Radio Commission (R. 1130–1131) which directed the secretary of the Commission to issue to the Johnson-Kennedy Radio Corporation (hereinafter called the applicant) of Gary, Indiana, a license to operate with unlimited hours on the frequency of 560 kc. and to terminate respondents' existing licenses. The Johnson-Kennedy Radio Corporation intervened in both appeals. (R. 9–12, 26–29.) The court disposed of both appeals in one opinion (R. 1138) and entered a decree setting aside the Commission's order (R. 1148).

On September 26, 1930, the Johnson-Kennedy Radio Corporation, operating Station WJKS at Gary, Indiana, upon the frequency of 1,360 kc., and sharing time (in the ratio of four-sevenths to three-

sevenths) with Station WGES of Chicago (R. 1125), filed its application for modification of its station license so as to permit it to operate full time upon any frequency in the 560–610 kc. band (R. 35–38). The application was subsequently amended by telegram asking that the applicant be assigned to the 560 kc. frequency and stating that if the provisions of the Commission's General Order 102[2] would require the removal of a station or stations located in an overquota State of the Fourth Zone, using the facilities requested, the applicant requested that Stations WIBO and WPCC (the respondents) of Chicago should be removed. The Commission, after examination of this application, stated that it was not satisfied that the public interest, convenience, or necessity would

[2] The Commission's General Order 102 (R. 1072–1075) provides that "applications from under-quota states in zones which have already allocated to them their pro rata share of radio facilities should be for a facility already in use in that zone by an over-quota state."

General Order 92 (R. 1069–1072) established a system for determining the unit values of broadcasting facilities, by classifying stations according to their powers, times of operation, etc. It also provided that, in conformity with the Davis Amendment of March 28, 1928, c. 263, 45 Stat. 373, each of the five zones created by the Radio Act should have broadcasting stations the total volume in units of which should be equal, and further, that within each such zone facilities should be fairly and equitably distributed among the states in proportion to the population each of such states bears to the population of the zone. The zones referred to were created by Section 2 of the Radio Act of 1927, c. 169, 44 Stat. 1162, the States of Indiana and Illinois being included in the Fourth Zone.

be served by granting it, and, accordingly, designated it for hearing on April 23, 1931, the respondents below, together with other interested parties, being duly notified of this action. (R. 43–46.) Pursuant to this notice, a hearing was held April 23 to April 30, 1931, before an examiner of the Commission (R. 1125), who filed a report recommending that the application should be denied (R. 1082–1094). Exceptions were filed to this report by the applicant. (R. 1095–1123.) On October 16, 1931, the Commission entered its order granting the application and directed the termination of the licenses of the Chicago stations. (R. 1130–1131.)

The Commission issued with its order a statement of the facts and of the grounds for its decision (R. 1125–1130), which may be summarized as follows:

The applicant is an Indiana corporation engaged solely in the ownership and operation of Station WJKS, Gary, Indiana, which station represents an investment of approximately $75,000. (R. 1125.) Gary, Indiana, which is about 30 miles from Chicago, is the largest steel center in the world and has a population of approximately 110,000. (R. 1125.) Gary is located in the Calumet region, which has a population of about 800,000, 60% of which is foreign born, representing over 50 nationalities. (R. 1125.) Approximately 90% of the inhabitants of the region depend upon the steel industry for employment and livelihood. (R. 1125.)

The applicant's station is the only radio station in Gary, and its programs are designed to meet the needs of this large foreign population. (R. 1126.) It features broadcasting programs for Hungarian, Italian, Mexican, Spanish, German, Russian, Polish, Croatian, Lithuanian, Scotch, and Irish people. (R. 1126.) At least an hour daily is devoted to these programs, which are musical, educational, and instructive in nature. (R. 1126.) Their purpose is to stimulate community and racial pride and to instruct in the duties and ideals of American citizenship. (R. 1127.) No compensation is received by the station for the time devoted to these broadcasts. (R. 1127.) If the application should be granted, the applicant proposed to devote more time to this type of service. (R. 1127.)

Time is also devoted by the station to safety prevention talks for workmen; a children's hour is maintained for the use of students of the various schools; good citizenship talks are broadcast weekly by judges and other civic leaders; the local police department is privileged to use the station at any time, and there is an outstanding invitation to every fraternal, charitable, and religious organization in the Calumet region to use the facilities of the station, without cost, such use often being made. (R. 1127.) The Sunday programs consist mainly of church service broadcasts, all churches and denominations being permitted to participate. (R. 1127.) The station has no chain affiliations. (R. 1127.)

The weekly cost of talent is about $300 and the weekly experses for help average $700. (R. 1127.) The station employs from 15 to 25 persons in its operation, and the total cost of operation is approximately $35,000 per year. The applicant has in its treasury the sum of $10,000. Its revenue is obtained from the sale of spot announcements. (R. 1127.)

The applicant, WJKS, is the only station located in the Calumet region which serves a substantial portion of the area with excellent or even good service, although the area is served by Station WOWO of Fort Wayne and by several Chicago stations. The transmitter of WJKS is a composite transmitter capable of 100% modulation, and its equipment is in good mechanical and electrical condition. (R. 1127.) Although WJKS delivers a signal of sufficient strength to give good reception in its normal service area, if not interfered with, heterodyne and cross-talk interference exists to within 3 miles of the transmitter and constant objectionable interference is found in the good service area of the station, particularly to the south, southeast, and east. (R. 1127–1128.) During the last two years the amount of interference experienced by the applicant in this area has increased, complaints of such interference having been constantly received by it. (R. 1128.) On the 1,360 kc. frequency there were two stations, located at Syracuse, New York, and Charleston, South Carolina, which

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were separated from Gary by less than the geographical separation necessary to prevent objectionable interference. (R. 1128.) Station WIBO, which is now operating on the frequency requested by the applicant (560 kc.), about 30 miles from Gary, is heard clearly in the city without any interference. (R. 1128.) The Commission found that the operation of the applicant on the frequency of 560 kc. and the deletion of the Chicago stations, WIBO and WPCC, would not be expected to increase interference with the services of any other stations. (R. 1128.)

With respect to the comparative broadcasting facilities, the State of Indiana was 2.08 units, or 22%, under its quota in station assignments, and Illinois was 12.49 units, or 55%, over quota in such assignments. (R. 1129.) The Fourth Zone, in which both stations are located, is 21 units, or 26%, over quota. (R. 1129.) The granting of the application and the deletion of Stations WIBO and WPCC, the Commission found, would reduce the overquota status of Illinois by .88 unit and would increase the quota of Indiana .43 unit. (R. 1129.)

Station WIBO was owned by Nelson Bros. Bond & Mortgage Company and operated separately from its mortgage and real estate business. (R. 1128.) It employs 55 persons in the operation of the station, the total monthly expenses of which

average $17,000. (R. 1128.) The station represents a total cost of $346,362, less a reserve for depreciation of $54,627. (R. 1128.) It has been operating since April, 1925. (R. 1128.) Station WIBO is licensed to share time with Station WPCC, which is owned and operated by the North Shore Church, an incorporated organization. Station WPCC is authorized to operate on Sundays from 10 a. m. to 4:30 p. m. and from 6 p. m. to 11:30 p. m., WIBO being authorized to operate the remaining time. (R. 1128.) By agreement with Nelson Bros. Bond & Mortgage Company, Station WPCC is permitted to broadcast over WIBO on certain week-day hours, in exchange for certain Sunday hours licensed to WPCC. (R. 1128.) The programs broadcast by WIBO are almost entirely commercial in their nature, and include a large number of chain programs originating in the National Broadcasting network. (R. 1129.) The same general type of programs broadcast by WIBO, including the chain programs, is received in the service area of WIBO from many other stations located in the Chicago district. (R. 1129.)

Station WPCC broadcasts approximately 8 hours a week, the programs being made up entirely of sermons, religious music, and talks relating to the work and interests of the North Shore Church. (R. 1129.) Contributions are solicited over the

station for the use of the church and the advancement of those matters in which it is interested. (R. 1129.) The station is not used by other denominations, religious or charitable societies. (R. 1129.) The Commission found that other stations in Chicago, including WMBI, owned and operated by the Moody Bible Institute, which devote more time to programs of a religious nature than WPCC, are received in the service area of that station. (R. 1129.)

The Commission, concluding that the application of Johnson-Kennedy Radio Corporation should be granted, stated as grounds for its decision (R. 1130):

(1) The applicant station (WJKS) now renders an excellent public service in the Calumet region, and the granting of this application would enable that station to further extend and enlarge upon that service. (2) The deletion of Stations WIBO and WPCC would not deprive the persons within the service areas of those stations of any type of programs not now received from other stations. (3) Objectionable interference is now experienced within the service area of WJKS through the operation of other stations on the same and adjacent frequencies. (4) The granting of the application and the deletion of Stations WIBO and WPCC would not increase interference within the good

service areas of any other stations. (5) The granting of the application and deletion of Stations WIBO and WPCC would work a more equitable distribution of broadcasting facilities within the Fourth Zone, in that there would be an increase in the radio broadcasting facilities of Indiana which is now assigned less than its share of such facilities and a decrease in the radio broadcasting facilities of Illinois which is now assigned more than its share of such facilities; and (6) that the public interest, convenience, and/or necessity would be served thereby.

The court below reversed the order of the Commission upon the broad ground that the Davis Amendment (*infra,* p. 18–19) was not intended to authorize or to require the Commission to equalize "the comparative broadcasting facilities of the various States or zones by unnecessarily injuring stations already established which are rendering valuable services to their natural service areas." (R. 1141.) It pointed out that the language of the Davis Amendment, relating to the allocation of facilities among the States in each zone (*infra,* p. 18), directed the licensing authority to make "a fair and equitable" allocation of licenses, according to population, and expressed the view that this provision did not mean that the Commission should attempt to equalize facilities among the States if the effect would be to delete established stations

rendering good service. (R. 1141.) Without specifically disturbing the Commission's findings, the court concluded as a matter of law that the Commission's action was improper, stating (R. 1141):

> The only apparent reason for granting the application of Station WJKS and destroying the other two stations is that Indiana is underquota, which in the circumstances furnishes no substantial justification for the decision of the commission. As already observed, the evidence discloses that Stations WIBO and WPCC have been and are "serving public interest, convenience, and necessity" certainly to as great an extent as the applicant station. In our view, the conclusively established and admitted facts furnish no legal basis for the decision of the commission. In other words, the decision is in a legal sense arbitrary and capricious.

In support of its general conclusion, the court incidentally referred to certain facts not made the basis of findings by the Commission. It stated that the Chicago stations, WIBO and WPCC, were meritorious stations, serving the public interest, convenience, and necessity; that they provided radio service for people within the service area of the applicant; that both were broadcasting prior to the time the applicant entered the field; that

in the Commission's reallocation of 1928, following the enactment of the Davis Amendment, all three stations had been assigned to their present frequencies, and that there was no evidence showing that there had been any material change in conditions since that time.

The court also referred with apparent approval (R. 1138) to certain findings of the examiner, whose recommendation that the application should be denied was not adopted by the Commission. The court quoted his finding that although the applicant was rendering a commendable public service on its part-time assignment, its service would be improved by the installation of the most modern radio equipment and operation in the most efficient manner on its present frequency.[3] The court also referred to a finding of the examiner that more objectionable interference would possibly result

[3] This finding of the examiner was inconsistent with the following findings (R. 1127–1128) of the Commission (the record references are to the evidence supporting the Commission's findings): (1) The transmitter of WJKS is a composite transmitter capable of 100 per cent modulation (R. 134, 179), and the equipment is in good mechanical and electrical condition (R. 134). (2) Although WJKS delivers a signal of sufficient strength to give good reception in its normal service area if not interfered with (R. 162, 314), heterodyne and cross-talk interference exists to within three miles of the transmitter and constant objectionable interference is found in the good-service area of the station, particularly to the south, southeast, and east (R. 67–68, 71, 134, 159, 219).

from the operation of the applicant, WJKS, on the 560–kc. channel than that now resulting from its operation on the frequency of 1,360 kc.[4]

Justices Groner and Hitz dissented from the opinion of the majority of the Court of Appeals, stating that in their view the action taken by the Commission was authorized and required by the provisions of the Davis Amendment. (R. 1142.) They also questioned the propriety of the majority's reliance on the findings of the examiner which were not consistent with the findings of the Commission. (R. 1145.)

SPECIFICATION OF ERRORS TO BE URGED

The Court of Appeals erred—

1. In holding that the Federal Radio Commission does not have the authority, under the Act of March 28, 1928, c. 263, 45 Stat. 373, in the exercise of its licensing power to lessen the gross disparity existing between the broadcasting facilities of two States by granting a license to use the frequency assigned to the respondents, located in the over-quota State, to an applicant for such frequency

[4] This finding was inconsistent with the following findings of the Commission: (1) Station WIBO, now operating on the frequency requested by this applicant (560 kc.), about 30 miles from Gary, is clearly heard in the city without interference of any nature. (R. 68, 95, 163.) (2) The operation of WJKS on 560 kc. and the deletion of Stations WIBO and WPCC would not be expected to increase interference with the services of any other station. (R. 117, 123.)

in the underquota State and declining to grant the license to respondent.

2. In holding that the action of the Commission was an arbitrary and capricious exercise of power.

3. In relying upon a finding of the examiner that the service of the applicant station would be improved by the installation of the most modern radio equipment and its operation in the most efficient manner on its present frequency, which finding was inconsistent with findings of the Commission, supported by substantial evidence.

4. In relying upon a finding of the examiner that more objectionable interference would result from the operation of the applicant station on the 560 kc. frequency than now results from its operation on the 1,360 kc. channel, which finding was inconsistent with findings of the Commission, supported by substantial evidence.

5. In holding that the Federal Radio Commission erroneously determined that the public interest, convenience, or necessity would be served by the transfer to the applicant of the frequency assigned to the respondents.

6. In reversing the order of the Commission.

REASONS FOR GRANTING THE WRITS

1. The case presents a question of public importance which should be decided by this Court. It involves the construction of the Act of March 28, 1928, known as the Davis Amendment (c. 263, 45

Stat. 373), which pertains to the manner in which broadcasting facilities shall be allocated to the States. It is the first case in the courts involving the affirmative application of that Act by the Commission.

2. It is essential to the proper discharge of the Commission's duties that this Court should determine whether the Commission may refuse to renew licenses and thereby curtail the facilities of existing stations, in order to bring about a fair distribution of broadcasting facilities among the States, as provided in the Davis Amendment. Substantially the same question is involved in 116 separate proceedings pending before the Federal Radio Commission, in which applications have been filed requesting, in each case, the reassignment to an underserved State or zone of all or a substantial part of the facilities now licensed to a station in an overquota State or zone.[5]

3. It is believed that the lower court placed an erroneous construction upon the language of the Davis Amendment, requiring the Commission to

[5] This statement is based upon an analysis made by the Commission of its docket of pending cases, as of January 3, 1933, which shows that of these 116 applications, 47 have not yet been considered by the Commission; 34 have been considered and designated for hearing; 5 have been heard by examiners but not reported; and 30 have been heard by examiners, reported, and are pending decision by the Commission. There are also three such cases which have been decided by the Commission and appealed to the Court of Appeals.

make a fair and equitable allocation of broadcasting facilities to each of the States, according to population. Although the Commission may not be required to make an exact mathematical distribution of facilities to each of the States, it seems clear that if the Davis Amendment is to have any application it must apply in a case such as this, where the State of Illinois is 55% overquota in station assignments while the State of Indiana is 22% underquota.

Wherefore, it is respectfully submitted that the writs of certiorari should be granted.

THOMAS D. THACHER,
Solicitor General.

JANUARY, 1933.

APPENDIX

The Radio Act of 1927 provides, in part, as follows:

> SEC. 9. The licensing authority, if public convenience, interest, or necessity will be served thereby, subject to the limitations of this Act, shall grant to any applicant therefor a station license provided for by this Act.
>
> It is hereby declared that the people of all the zones established by section 2 of this Act are entitled to equality of radio broadcasting service, both of transmission and of reception, and in order to provide said equality the licensing authority shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power, to each of said zones when and in so far as there are applications therefor; and shall make a fair and equitable allocation of licenses, wave lengths, time for operation, and station power to each of the States, the District of Columbia, the Territories and possessions of the United States within each zone, according to population. The licensing authority shall carry into effect the equality of broadcasting service hereinbefore directed, whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewals of licenses: *Provided*, That if and when there is a lack of applications from

any zone for the proportionate share of licenses, wave lengths, time of operation, or station power to which such zone is entitled, the licensing authority may issue licenses for the balance of the proportion not applied for from any zone, to applicants from other zones for a temporary period of ninety days each, and shall specifically designate that said apportionment is only for said temporary period. Allocations shall be charged to the State, District, Territory, or possession wherein the studio of the station is located and not where the transmitter is located.

No license granted for the operation of a broadcasting station shall be for a longer term than three years and no license so granted for any other class of station shall be for a longer term than five years, and any license granted may be revoked as hereinafter provided. Upon the expiration of any license, upon application therefor, a renewal of such license may be granted from time to time for a term of not to exceed three years in the case of broadcasting licenses and not to exceed five years in the case of other licenses.

No renewal of an existing station license shall be granted more than thirty days prior to the expiration of the original license. (C. 169, 44 Stat. 1166, as amended March 28, 1928, c. 263, 45 Stat. 373; U. S. C. Sup. VI, Title 47, Sec. 89.)

SEC. 11. If upon examination of any application for a station license or for the renewal or modification of a station license the licensing authority shall determine that public interest, convenience, or necessity would be served by the granting thereof, it shall authorize the issuance, renewal, or modifica-

tion thereof in accordance with said finding. In the event the licensing authority upon examination of any such application does not reach such decision with respect thereto, it shall notify the applicant thereof, shall fix and give notice of a time and place for hearing thereon, and shall afford such applicant an opportunity to be heard under such rules and regulations as it may prescribe. (C. 169, 44 Stat. 1167; U. S. C. Sup. VI, Title 47, Sec. 91.)

* * * * *

SEC. 16. (a) An appeal may be taken, in the manner hereinafter provided, from decisions of the commission to the Court of Appeals of the District of Columbia in any of the following cases:

(1) By any applicant for a station license, or for renewal of an existing station license, or for modification of an existing station license, whose application is refused by the commission.

* * * * *

(d) At the earliest convenient time the court shall hear and determine the appeal upon the record before it, and shall have power, upon such record, to enter a judgment affirming or reversing the decision of the commission, and, in event the court shall render a decision and enter an order reversing the decision of the commission, it shall remand the case to the commission to carry out the judgment of the court: *Provided, however,* That the review by the court shall be limited to questions of law and that findings of fact by the commission, if supported by substantial evidence, shall be conclusive unless it shall clearly appear that the findings of the commission are arbitrary or ca-

pricious. The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under section 347 of Title 28 of the Judicial Code by appellant, by the commission, or by any interested party intervening in the appeal. (C. 169, 44 Stat. 1169, as amended July 1, 1930, c. 788, 46 Stat. 844; U. S. C. Sup. VI, Title 47, Sec. 96 (a) (1), (d).)

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In the Supreme Court of the United States

OCTOBER TERM, 1932

No. 657

FEDERAL RADIO COMMISSION, PETITIONER

v.

NELSON BROTHERS BOND & MORTGAGE COMPANY
(Station WIBO)

No. 658

FEDERAL RADIO COMMISSION, PETITIONER

v.

NORTH SHORE CHURCH (STATION WPCC)

ON PETITION FOR WRITS OF CERTIORARI TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

REPLY BRIEF FOR THE PETITIONER

On February 2, 1933, a petition was filed in this Court, on behalf of the Federal Radio Commission, for the issuance of writs of certiorari to the Court of Appeals of the District of Columbia to review a decree of that court entered on December 5, 1932, in the above causes. The respondents,

in their brief in opposition, filed February 27, 1933, contend that the petition should be denied on the ground, among others, that this Court is without jurisdiction to review the decree below upon writ of certiorari. We believe that some discussion of the jurisdictional question may be helpful and this reply brief is limited to that question.

The respondents rely chiefly upon the decision of this Court in *Federal Radio Commission* v. *General Electric Co.*, 281 U. S. 464. In that case, the Court held that under the provisions of Section 16 of the Radio Act of 1927, c. 169, 44 Stat. 1162, 1169, allowing an appeal to the Court of Appeals of the District of Columbia, the functions of the court were purely administrative and that its decisions were therefore not reviewable by this Court. The section then under consideration provided that the Court of Appeals "may alter or revise the decision [of the Commission] appealed from and enter such judgment as to it may seem just."

By the Act of July 1, 1930, c. 788, 46 Stat. 844 (Petition, pp. 20–21), Section 16 of the Radio Act of 1927 was substantially amended so as to provide, with respect to appeals from decisions of the Federal Radio Commission to the Court of Appeals, that—

> (d) At the earliest convenient time the court shall hear and determine the appeal upon the record before it, and shall have power, upon such record, to enter a judg-

> ment affirming or reversing the decision of the commission, and, in event the court shall render a decision and enter an order reversing the decision of the commission, it shall remand the case to the commission to carry out the judgment of the court: *Provided, however,* That the review by the court shall be limited to questions of law and that findings of fact by the commission, if supported by substantial evidence, shall be conclusive unless it shall clearly appear that the findings of the commission are arbitrary or capricious. The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under section 347 of Title 28 of the Judicial Code by appellant, by the commission, or by any interested party intervening in the appeal.

This amendment was adopted only a few weeks after this Court's decision in the *General Electric case,* and the expressed purpose of Congress was to change the law so as to remove the obstacle to review by this Court which was disclosed in that case. House Rep. No. 1665, 71st Cong., 2d Sess.

Since the function of the Court of Appeals, under Section 16 as amended, is confined to the review of questions of law, it seems clear that it may only act judicially and that this Court may review its decisions on certiorari, as expressly pro-

vided by law. The fact that the decisions of the Federal Radio Commission are reviewable by appeal to the Court of Appeals rather than by suit to set aside the Commission's order does not indicate that the proceeding in the Court of Appeals is not essentially judicial. See *Road District* v. *St. Louis Southwestern Railway Company,* 257 U. S. 547, 560; *Old Colony Trust Co.* v. *Commissioner,* 279 U. S. 716. Nor does the fact that the Court of Appeals, upon entry of an order reversing a decision of the Commission, remands the case to the Commission to carry out the judgment of the court indicate that the proceeding is administrative, but rather that the Court of Appeals is acting in a judicial capacity, and that it is for the Commission to exercise the administrative power in the light of the law as announced by the Court of Appeals, or, on certiorari, by this Court.

The decisions in *Keller* v. *Potomac Electric Power Company,* 261 U. S. 428, and in *Postum Cereal Company* v. *California Fig Nut Company,* 272 U. S. 693, relied on by respondents, do not support their contention that the Court is without jurisdiction in this case. In the former case, the Court pointed out that the proceedings in the Supreme Court of the District of Columbia, provided for in the District Public Utilities Act (37 Stat. 938, 974) conferred legislative or administrative functions on that court, since it was empowered to

make the order that the Commission should have made (p. 442). In the *Postum Cereal Company case* this Court held that decisions of the Court of Appeals, under an Act of February 20, 1905 (33 Stat. 724), relating to the registration of trade-marks, were not judicial judgments but administrative decisions, since they were merely instructions to the Commissioner of Patents, not precluding any interested person from contesting the validity of the trade-mark in any court where it might be called in question.

For the purposes of this case it is not necessary to determine whether the Court of Appeals of the District of Columbia is a constitutional or a legislative court. See *Ex Parte Bakelite Corporation,* 279 U. S. 438. Assuming, as the Court stated in that case, that the courts of the District of Columbia are not constitutional courts, it does not follow that Congress can not invest them with judicial functions, nor that this Court is without jurisdiction to review the decisions rendered by the Court of Appeals when acting in that capacity. In *Keller* v. *Potomac Electric Power Co., supra,* the Court indicated that Congress possessed a dual authority over the District and might clothe its courts not only with the jurisdiction and powers of the Federal courts in the several States, but also with such authority as a State might confer on its courts. In *Federal Trade Commission* v. *Klesner,* 274 U. S.

145, the Court held that the Court of Appeals might entertain jurisdiction of suits to set aside or to enforce orders of the Federal Trade Commission, and subsequently, upon certiorari to that court, decided the case on the merits. *Federal Trade Commission* v. *Klesner,* 280 U. S. 19. Appellate jurisdiction has also been exercised in cases coming from the territorial courts (*Romeu* v. *Todd,* 206 U. S. 358; *Good* v. *Martin,* 95 U. S. 90), the Court of Private Land Claims (*United States* v. *Coe,* 155 U. S. 76, 85), and from the Court of Claims (*DeGroot* v. *United States,* 5 Wall. 419).

CONCLUSION

It is respectfully submitted that the Court has jurisdiction to review the decree, and that the petition for writs of certiorari should be granted.

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MARCH, 1933.

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BRIEF FOR THE FEDERAL RADIO COMMISSION

OPINIONS BELOW

The opinion of the court below (R. 1138–1142) and the dissenting opinion of Justice Groner in which Justice Hitz concurred (R. 1142–1147), are reported in 62 F.(2d) 854 (854–857; 857–860).

JURISDICTION

The decree of the court below reversing the order of the Federal Radio Commission was entered December 5, 1932 (R. 1148). The petition for writs of certiorari (Nos. 657 and 658) was filed February 2, 1933, and was granted March 13, 1933.[1]

The jurisdiction of this Court rests on Section 16 of the Radio Act of 1927, as amended by the Act of July 1, 1930, c. 788, 46 Stat. 844, and Section 240 (a) of the Judicial Code, as amended by the Act of February 13, 1925 (*infra*, p. 3, footnote 2).

QUESTIONS PRESENTED

The question principally presented is: (1) Whether the Davis Amendment (Section 9 of the Radio Act of 1927, as amended by Section 5 of the Act of March 28, 1928) authorized the Federal Radio Commission, when it found that the public interest would be served thereby, to grant the application of a broadcasting station located in an underquota State for the assignment to it of the facilities previously licensed to respondents' stations, located in a grossly overquota State, which were otherwise operating satisfactorily, for the purpose of improving and expanding the service of the applicant station and bringing about a greater degree of equality in the broadcasting facilities licensed in the two States.

[1] A concurrent petition, filed by Johnson-Kennedy Radio Corporation (Nos. 659 and 660), intervener in the court below, was also granted.

The Court may also wish to consider (2) Whether certain findings of the Commission are supported by substantial evidence, and (3) Whether this Court has jurisdiction to review a judgment of the Court of Appeals of the District of Columbia entered upon an appeal from an order of the Commission, taken pursuant to Section 16 of the Radio Act of 1927, as amended by the Act of July 1, 1930.[2]

STATUTE INVOLVED

The pertinent provisions of the Radio Act of 1927 (c. 169, 44 Stat. 1162), as amended by the Act of March 28, 1928 (c. 263, 45 Stat. 373), and as further amended by the Act of July 1, 1930 (c. 788, 46 Stat. 844), are set forth in Appendix A, *infra*, pp. 41–45.

STATEMENT

This Court granted writs of certiorari to review the judgment of the Court of Appeals of the District of Columbia (R. 1148) which set aside an order of the Federal Radio Commission granting the application of Station WJKS, located in Gary, Indiana, for a modification of its broadcasting license to permit it to operate full time on the frequency of 560 kc which was previously assigned to, and shared by, the respondents' stations, WIBO and WPCC, both located in Chicago, Illinois. Station WJKS, which previously operated part time

[2] This question is not discussed in this brief, but is treated in the "Reply Brief for the Petitioner" filed March 3, 1933, in answer to the respondents' brief in opposition.

on 1,360 kc, showed, among other things, that it required full-time operation, that the 1,360 kc frequency was subject to objectionable interference, and that the use of the 560 kc frequency would permit it to furnish satisfactory service. The State of Illinois now enjoys greatly in excess of, and the State of Indiana considerably less than, its fair share of the total broadcasting facilities assigned to Zone 4, as described by Section 2 of the Radio Act of 1927 (*infra,* Appendix A, p. 41), in which both States are located. The effect of the Commission's order, which contemplates the transfer of the 560 kc frequency from the respondents to Station WJKS, is to increase the total broadcasting facilities licensed to Indiana stations and to decrease the total of such facilities licensed to stations in Illinois, thus tending to carry out the mandate of Congress, contained in the Davis amendment, providing for a fair and equitable distribution of broadcasting facilities among the States in each zone.

Station WJKS is owned and operated by the Johnson-Kennedy Radio Corporation, petitioner in Nos. 659 and 660. At the time this proceeding was instituted it was licensed to operate 4/7 time on the frequency of 1,360 kc, sharing time with Station WGES of Chicago (R. 62). On September 26, 1930, it applied to the Commission for a modification of its license to permit it to operate full time on a frequency between 560 and 610 kc (R. 35–38). While this application was pending the

Commission issued its General Order 102 providing in part that (Appendix B, *infra*, p. 46):

> 2. Applications from under-quota states in zones which have already allocated to them their pro rata share of radio facilities should be for a facility already in use in that zone by an over-quota state.

Station WJKS then amended its application, asking for the assignment to it of the frequency of 560 kc then licensed to the respondent stations located in Illinois.[3] Zone 4, in which both Indiana and Illinois are located, is over quota, Indiana is grossly under quota, and Illinois considerably over quota (*infra*, p. 14). Pending consideration of the application of Station WJKS, respondents' licenses were renewed on a temporary basis and subject to any action that the Commission might take on the application of Station WJKS (R. 39, 41, 42–43).

After notice to interested parties (R. 43–49) a hearing on the application of Station WJKS was held before an examiner[4] (R. 50). On July 28, 1931, the examiner filed his report recommending that the application be denied (R. 1082). Excep-

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[3] Station WISJ, which shared time with respondents on the 560 kc frequency (R. 112), appears to have been previously assigned to a different frequency in another proceeding (R. 1091).

[4] In addition to oral testimony presented before the examiner, Station WJKS offered certain depositions (R. 662–732) which the Commission later held to be inadmissible (R. 1126). No reliance is placed upon them here.

tions to the examiner's report were filed by Station WJKS on August 14, 1931, copies being served on the interested parties (R. 1095–1123, 1124). On October 16, 1931, the Commission filed its Statement of Facts, Grounds for Decision, and Order, granting the application of Station WJKS (R. 1124–1131). The grounds of decision are as follows (R. 1130):

(1) The applicant station (WJKS) now renders an excellent public service in the Calumet region, and the granting of this application would enable that station to further extend and enlarge upon that service. (2) The deletion of Stations WIBO and WPCC would not deprive the persons within the service areas of those stations of any type of programs not now received from other stations. (3) Objectionable interference is now experienced within the service area of WJKS through the operation of other stations on the same and adjacent frequencies. (4) The granting of this application and deletion of Stations WIBO and WPCC would not increase interference within the good-service areas of any other stations. (5) The granting of this application and deletion of Stations WIBO and WPCC would work a more equitable distribution of broadcasting facilities within the Fourth Zone, in that there would be an increase in the radio broadcasting facilities of Indiana, which is now assigned less than its share of such facilities, and a decrease in the radio broadcasting facilities of Illinois, which is now assigned more than its

share of such facilities. (6) Public interest, convenience, and/or necessity would be served by the granting of this application.

From the Commission's order respondents appealed to the court below and Station WJKS intervened [5] (R. 1, 9, 17).

Station WJKS was built in 1926 to serve Gary, Indiana, and the surrounding area, known as the Calumet region, covering Laporte, Porter, and Lake Counties, in Indiana (R. 63, 77). The population of Gary is 110,000 and the Calumet region has a population of from 800,000 to one million, 90% of which is dependent on the steel industry for its livelihood (R. 63). Sixty percent of the population is foreign born (R. 63). The programs of Station WJKS are designed to meet the needs of the large foreign population (R. 63, 1126). At least one hour each day is allotted to foreign origin broadcasts for the Hungarian, Italian, Mexican, Spanish, German, Russian, Polish, Croatian, Lithuanian, Scotch, and Irish people, which are musical, educational, and instructive in their nature and stress loyalty to the community and to the nation (R. 64, 1126). These programs are arranged by cooperation with the social and civic leaders of the various nationalities, the talent being supplied locally (R. 64, 264–268). The purpose of these programs, for which no charge is made, and which

[5] Strawbridge and Clothier, which also intervened in the court below (R. 12), has been severed by order of the court below (R. 1155).

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are greatly appreciated and well received in the Calumet region, is to stimulate community and racial pride and to instruct in citizenship and American ideals (R. 64, 1126–1127). Time is regularly allotted for school programs (R. 66–87, 1127). These consist in part of performances by school bands, and debates and plays participated in by school children (R. 69, 70, 270–271). Good citizenship talks are broadcast weekly by judges and other civic leaders (R. 79, 1127). The "Learn to Speak English" program is a special feature sponsored with the cooperation of the teachers in the Gary schools (R. 69, 224–225, 262, 263). Special safety prevention talks are given for the workmen in the steel mills (R. 73, 269, 1127). The local police department is privileged to use the station (R. 73, 275). Sunday programs consist mainly of church service broadcasts, and include all churches and denominations in the community which desire to participate (R. 75–76, 1127). A chapel hour, conducted by different ministers, is broadcast daily at noon (R. 75). Community programs are presented by the various towns in the Calumet region, the purpose of Station WJKS being to serve the entire Calumet region (R. 78, 272). There is an outstanding invitation to every fraternal and charitable organization in the Calumet region to use the facilities of the station without cost, and such use is often made (R. 1127). No chain programs are broadcast by Station WJKS (R. 66).

Station WJKS expends $300 weekly for talent and its weekly expense for help averages $700 (R. 80, 1127). It employs from 15 to 25 persons, and its total cost of operations is approximately $35,000 per year (*Ibid*). The station represents an investment of approximately $75,000 (R. 1125). The Johnson-Kennedy Radio Corporation, which is engaged solely in operating the station, has paid-up capital stock of $30,000, of which Thomas J. Johnson, president, and his wife own 50% and Ralph Atlass, the treasurer, the remaining 50% (*Ibid*). No profits have been made in the past, and no salaries paid to officers, the operations being financed by the sale of time and by contributions from the personal funds of the stockholders (R. 80, 87, 99).

Station WJKS is the only station located in Gary, and no other station covers the same territory with the same type of programs (R. 69, 72, 79, 89). It now broadcasts from 7:00 to 8:30 A.M., 12:30 to 6:00 P.M., 7:30 to 9:00 P.M., and 10:30 P.M. to 12:00 midnight, and on four nights a week from 12:00 midnight to 4:00 A.M. (R. 94). Its application for full-time operation is founded upon an existing demand for additional programs of the character now broadcast by it (R. 69, 71, 90–91, 98). Since the steel mills operate on three shifts, 24 hours daily, there is a demand for service at almost all hours (R. 65). The purpose of Station WJKS is to extend the type of community service now rendered (R. 215, 216, 226, 1127).

It will sell sufficient time to make the station self-supporting and to improve its service (R. 215). If full-time operation is obtained, Station WJKS proposes to install new equipment, including double generators, which will permit continuous operation (R. 98).

Station WJKS introduced evidence before the Commission showing that it suffered objectionable interference on its present frequency of 1,360 kc, and also that such interference would not be likely to occur on the 560 kc frequency for which it applied. The Commission found that although Station WJKS delivers a signal of sufficient strength to give good reception in its normal service area, if not interfered with, heterodyne and cross-talk interference exists to within three miles of the transmitter, and constant objectionable interference is found in the good service area of the station, particularly to the south, southeast and east (R. 1127–1128). During the last two years the amount of interference experienced has increased and complaints of such interference have been constantly received by the station (R. 1128). The Commission found also that Station WIBO, now operating about 30 miles from Gary on the frequency requested by Station WJKS, is heard clearly in that city without interference of any nature, and that the operation of Station WJKS on 560 kc and the deletion of Stations WIBO and WPCC would not be expected to increase interference with the service of any other station (R. 1128). It found that

WJKS employed a composite transmitter, capable of 100% modulation, and that its equipment was in good mechanical and electrical condition (R. 1127).

Station WIBO is owned and operated by the respondent Nelson Brothers Bond & Mortgage Corporation, which operates the station separately from the first mortgage real-estate business, in which it is principally engaged (R. 397–398, 1128). Prior to this proceeding Station WIBO was licensed by the Commission to operate on 560 kc, sharing time with Station WPCC, which was allotted 12 hours on Sunday only, Station WIBO enjoying the remaining time (R. 137, 1128). By agreement between the two stations, Station WPCC granted certain of its Sunday hours to station WIBO in exchange for week-day hours (R. 1128).

Station WIBO is affiliated with, or maintains arrangements, with the Chicago Evening American, an afternoon newspaper published in Chicago, the Publix-Balaban & Katz Motion Picture Theatres, and the National Broadcasting Company.

The Evening American supplies the station with market reports, news bulletins and talks by specialists on the staff of the newspaper, on foods, interior decoration, etc. (R. 186–190). In return the station announces over the air practically every half hour that it is affiliated with the Evening American, "the most widely read Chicago afternoon newspaper" (R. 186, 193). Service similar to that supplied over Station WIBO by the Evening

American is furnished over other Chicago stations by other newspapers (R. 206, 207). Of the twenty or more stations in Chicago, five are affiliated with the principal newspapers in the city (R. 341–342). The Chicago Herald-Examiner, which is, like the Evening American, a Hearst newspaper, but published in the morning, operates Station KYW in Chicago (R. 199, 203).

By arrangement with the Publix-Balaban & Katz theatres, announcements with respect to current motion pictures are made over Station WIBO which, in return, enjoys the privilege of broadcasting stage programs from the theatres (R. 340, 341).

By virtue of its affiliation with the National Broadcasting System, Station WIBO broadcasts five hours and eighteen minutes out of a total of 17 hours and 45 minutes of National Broadcasting chain programs broadcast daily in Chicago (R. 373–374). The National Broadcasting Company has under lease in Chicago, Station WENR, a 50-kilowatt, full time, clear channel station (R. 361). Station KYW, a 10-kilowatt, full time, clear channel station in Chicago, also carries National Broadcasting programs (R. 362). If Station WIBO goes off the air there will remain many other stations, each covering the same area as Station WIBO, or a greater area, over which the National Broadcasting programs might be broadcast (R. 108–109, 136, 376). The Commission accordingly found (R. 1129):

> The programs broadcast by WIBO include a large number of chain programs originating in the National Broadcasting network and are almost entirely commercial in their nature. The same general type of programs broadcast by WIBO, including National Broadcasting chain programs are received in the service area of WIBO from many other stations located in the Chicago district.

Station WIBO, which has been operating since 1925, represents a total cost of $346,362, less a reserve for depreciation of $54,627 (R. 1128). It employs 55 persons, its total monthly expenses averaging $17,000 (R. 1128). During the month of March 1931 it earned a net profit of $9,000 (R. 1128).

Station WPCC is owned and operated by the respondent, North Shore Church (R. 137). It broadcasts approximately 8 hours each week, its programs being made up entirely of sermons, religious music and talks relating to the work and interests of the church (R. 1129). Contributions are solicited over the station for the use of the church and the advancement of the matters in which it is interested (R. 1129). When the Reverend J. C. O'Hair became pastor of the church, it was very much in debt (R. 139). It then commenced to broadcast over the radio, as a result of which its audiences were more than trebled, and its budget increased two or threefold (R. 139). The pastor is general manager of the station and

devotes the greater portion of his time to its operation and maintenance (R. 136, 156, 1129). There was evidence from which the Commission found that there were other stations operating in the service area of WPCC, including Station WMBI, owned and operated by the Moody Bible Institute, which devote more time to programs of a religious nature than does Station WPCC (R. 143, 184, 1129).

In order to comply with the equalization provisions of the Davis Amendment of 1928, the Commission has fixed unit values for radio broadcasting stations of various classes, powers and time of operation (General Order 92, R. 1069–1072). The maximum number of units available for the entire United States is 400, or 80 for each zone. The number of units due each state within each zone is determined, as provided in the Davis Amendment, according to population. The Commission found [6] (R. 1129):

> The State of Indiana is 2.08 units or 22 per cent under-quota in station assignments and the State of Illinois is 12.49 units or 55 per cent over-quota in such assignments. The Fourth Zone, in which both states are located, is 21.00 units or 26 per cent over-quota in station assignments. The granting of this application and deletion of

[6] The testimony, which varied slightly from the finding of the Commission, was that assignments in Illinois exceeded its quota of 22.5 units by 11.15 units, or 49%, and that Indiana, which is entitled to 9.53 units, is lacking 1.95 units, or 20% of its quota (R. 108, 111, 113).

> WIBO and WPCC would reduce the over-quota status of the State of Illinois and the Fourth Zone by 0.88 unit and 0.45 unit respectively, and would increase the quota of Indiana by 0.43 unit.

It thus appears that the broadcasting facilities assigned to Illinois in excess of its quota have a greater unit value than the total of such facilities licensed in Indiana.

In reversing the order of the Commission the court below said (R. 1141–1142):

> Station WIBO had been broadcasting for more than two years, and Station WPCC more than three years, when Station WJKS entered the field. The only apparent reason for granting the application of Station WJKS and destroying the other two stations is that Indiana is underquota, which in the circumstances furnishes no substantial justification for the decision of the commission. As already observed, the evidence discloses that Station WIBO and WPCC have been and are "serving public interest, convenience, and necessity" certainly to as great an extent as the applicant station. In our view, the conclusively established and admitted facts furnish no legal basis for the decision of the commission. In other words, the decision is in a legal sense arbitrary and capricious.

The dissenting opinion of Justice Groner, in which Justice Hitz concurred, states in part (R. 1146):

> Epitomized, therefore, the evidence shows that all three stations concerned are now rendering satisfactory service, but that operation of the two Chicago stations may be terminated without detriment to the public interest, and that the service of the Indiana station may be improved and extended in the public interest by granting to it the facilities now enjoyed by the other two. Coupled with this is the fact that the Chicago stations are located in an over-quota State and the Indiana station in an under-quota State. More than this is unnecessary if the intent of Congress, as expressed in the amendment, is to be given effect, * * *.

SPECIFICATION OF ERRORS TO BE URGED

The Court of Appeals erred:

1. In holding that the Federal Radio Commission does not have the authority, under the Act of March 28, 1928, c. 263, 45 Stat. 373, in the exercise of its licensing power to lessen the gross disparity existing between the broadcasting facilities of two States by granting a license to use the frequency assigned to the respondents, located in the over-quota State, to an applicant for such frequency in the under-quota State and declining to grant the license to respondents.

2. In holding that the action of the Commission was an arbitrary and capricious exercise of power.

3. In relying upon a finding of the examiner that the service of the applicant station would be im-

proved by the installation of the most modern radio equipment and its operation in the most efficient manner on its present frequency, which finding was inconsistent with findings of the Commission, supported by substantial evidence.

4. In relying upon a finding of the examiner that more objectionable interference would result from the operation of the applicant station on the 560 kc frequency than now results from its operation on the 1,360 kc channel, which finding was inconsistent with the findings of the Commission, supported by substantial evidence.

5. In holding that the Federal Radio Commission erroneously determined that the public interest, convenience, or necessity would be served by the transfer to the applicant of the frequency assigned to the respondents.

6. In reversing the order of the Commission.

SUMMARY OF ARGUMENT

I. Section 9 of the Radio Act of 1927, as amended by Section 5 of the Act of March 28, 1928, known as the Davis Amendment, authorizes the Commission to grant broadcasting licenses if the public interest, convenience, or necessity will be served thereby, and requires the Commission simultaneously to make, as nearly as possible, an equal allocation of broadcasting facilities to the zones, and a fair and equitable distribution among the states in each zone.

The Commission in this case found that Station WJKS, located in Indiana, experienced objectionable interference on its present frequency, and that a change in its frequency would permit it to improve and extend its service. It found on the other hand that the programs broadcast by respondents' stations, located in Chicago, merely duplicated the type of programs furnished by many other stations in the Chicago area. It found also that Illinois had 55% in excess of its quota, and Indiana 20% less than its fair share of broadcasting facilities. The evidence clearly sustains the conclusion of the Commission that the granting of the application of Station WJKS for the facilities previously licensed to respondents, was in the public interest and was authorized by the express provisions of the Davis Amendment.

A contrary conclusion is possible only if Congress did not intend that the Davis Amendment should be applied where an existing station otherwise performing satisfactory service would be adversely affected thereby. This is apparently what the court below intended to hold when it stated that the decision of the Commission in this case was "in a legal sense arbitrary and capricious."

But if Congress intended the Davis Amendment to be thus limited it would have so provided. Its legislative history shows conclusively the intent of Congress that, where such action would be in the public interest and is necessary to bring about the

fair and equitable distribution among the states provided for in the Davis Amendment, the Commission should decline to renew the licenses of existing stations, even through they may otherwise be operating satisfactorily.

The Davis Amendment as construed by the Commission does not impair the constitutional rights of respondents. The owner of a broadcasting station possesses no vested right to continue to operate, which is superior to the federal regulatory power. *Trinity Methodist Church, South* v. *Federal Radio Commission,* 62 F. (2d) 850; certiorari denied, January 16, 1933; *KFKB Broadcasting Association* v. *Federal Radio Commission,* 47 F. (2d) 670; *City of New York* v. *Federal Radio Commission,* 36 F. (2d) 115; *Technical Radio Laboratory* v. *Federal Radio Commission,* 36 F. (2d) 111.

Paragraph 2 of the Commission's General Order 102, pursuant to which Station WJKS applied for the facilities previously licensed to respondents, is valid.

II. In granting the application of Station WJKS, the Commission concluded that that station was experiencing objectionable interference upon its existing frequency; that by the change in frequency it would be enabled to extend and improve its service; and that interference within the good service area of other stations would not be increased by the change. It is not clear whether the court below accepted these conclusions of the

Commission as final. It referred in its opinion to certain findings of the examiner which were not approved by the Commission and are inconsistent with the Commission's findings. The findings made by the Commission are amply supported by the evidence.

ARGUMENT

I

THE PROVISIONS OF THE DAVIS AMENDMENT CLEARLY AUTHORIZED THE ACTION OF THE COMMISSION

The validity of the Commission's order turns on the proper application of Section 5 of the Act of March 28, 1928, known as the Davis Amendment.

Section 9 of the Radio Act of 1927, as modified by the Davis Amendment (*infra,* pp. 42–43), authorizes the Commission to issue broadcasting licenses when "public convenience, interest, or necessity" will be served thereby, and provides that the Commission shall as nearly as possible make and maintain an equal allocation of broadcasting facilities to each of the zones established by the Act,

> and shall make a fair and equitable allocation of licenses, wave lengths, time for operation, and station power to each of the States * * * within each zone, according to population.

The Commission is directed to carry into effect "the equality of broadcasting service hereinbefore directed", whenever necessary or proper, among

other ways, by the granting or refusing of licenses or of renewals of licenses.

Section 16 of the Radio Act of 1927 as amended by the Act of July 1, 1930[7] (*infra*, p. 45) limits review of the decisions of the Commission by the court below to questions of law, and provides that the Commission's findings of fact, if supported by substantial evidence, shall be conclusive "unless it shall clearly appear" that they are arbitrary or capricious.

The court below held that the decision of the Commission was "in a legal sense arbitrary and capricious." The Commission's findings are amply supported by the evidence, and its order seems clearly justified by its grounds for decision. (*Supra*, pp. 6–7.) It is believed, therefore, that the basis of the court's decision is that the Davis Amendment, despite its express direction to the Commission to make a fair and equitable allocation of facilities to each of the states, is not to be applied where an existing station, otherwise rendering satisfactory service, will be adversely affected thereby. This conclusion, we think, is not only contrary to the unambiguous language of the statute, but ignores entirely its legislative history and purpose.

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[7]As originally enacted, Section 16 empowered the court below to "alter or revise the decision appealed and enter such judgment as to it may seem just." See *Federal Radio Commission* v. *General Electric Company*, 281 U.S. 464.

The voluminous record contains an abundance of evidence as to the character of the Calumet region served by Station WJKS, the character of service rendered by that station (which was found to be peculiarly adapted to the interests of the population for which it is intended), the need of Station WJKS for additional time (*supra,* pp. 7–10), and the objectionable interference existing within its service area on its present frequency (*infra,* pp. 34–40). On the other hand, there was detailed evidence (*supra,* pp. 11–14) amply supporting the Commission's findings that respondents' stations merely duplicate the types of programs received in the Chicago area from many other stations (R. 1129, 1130).[8]

The record also shows that there are many stations serving the Chicago district, and that there are five such stations with power of 20 kilowatts or more (R. 108–109). While the population of Indiana is practically equal to that of the City of

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[8] The assertion of the court below (R. 1142) that "the evidence discloses that Stations WIBO and WPCC have been and are 'serving public interest, convenience, and necessity' certainly to as great an extent as the applicant station," is not merely a substitution of its judgment for that of the Commission, but is also manifestly incorrect. As the Commission has said (Annual Report, 1928, pp. 169–170): "the test—'public interest, convenience, or necessity'—becomes a matter of a comparative and not an absolute standard when applied to broadcasting stations. * * * The emphasis must be first and foremost on the interest, the convenience, and the necessity of the listening public, and not * * * of the individual broadcaster or the advertiser."

Chicago, the combined power of all the stations in Indiana, 15 in number, is less than 15 kilowatts. (R. 91, 92). The Commission found (*supra*, p. 14) that Illinois has 55% in excess of its fair share of broadcasting facilities, whereas Indiana is 20% below its quota. The fact, adverted to by the court below (R. 1141), that Gary and the surrounding area are within the range of programs broadcast by the Chicago stations would have greater significance if the quota disparity between the two states were not so great. Moreover, the particular objective of the Davis Amendment was that each state should have its own broadcasting facilities to serve its own peculiar interests and needs (*infra*, pp. 26–27). The justification for this Congressional policy can be no better exemplified than by the instant case, for none of the numerous Chicago stations provides the Calumet region with the local service provided by Station WJKS, which the Commission found should be extended and improved (*supra*, p. 9).

It seems clear, therefore, that a proper application of the Davis Amendment, not only justified, but compelled the Commission's decision. A contrary conclusion can be reached only if it be held that the Davis Amendment is under no circumstances to be applied where an existing station, not otherwise subject to criticism, will be affected thereby. But such a construction would render the Davis Amendment practically ineffective, for

it would then apply only if facilities are voluntarily relinquished or a license is refused or revoked because a station is found to be violating the terms of its license or otherwise misusing its privilege. If Congress intended thus to limit the application of the Davis Amendment it would have so provided.

A review of the legislative history of the Davis Amendment leaves no doubt that the order of the Commission complies with the precise intention of Congress. Radio broadcasting on a commercial scale was fairly developed before the Radio Act of 1927 was passed. The licensing provisions of the earlier Radio Act of 1912 (c. 287, 37 Stat. 302, U.S.C., Title 47, Sec. 51 *et seq.*) were interpreted by the Acting Attorney General, in an opinion rendered July 9, 1926, as amounting to little more than a registration requirement, the Secretary of Commerce having no authority to refuse a license or to restrict the frequency, power, or hours of operation of a radio station. (See 35 Ops. A.G. 126.) Consequently, many more stations were erected than could be accommodated on the wave lengths available for broadcasting purposes, and large numbers of these stations became concentrated in particular areas. The aftermath of this opinion is stated in the report of the committee on radio law of the American Bar Association, submitted to the 1929 annual meeting of the Association. It stated: [9]

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[9] Report of 52d Annual Meeting of American Bar Association, p. 442.

> In the period which intervened between July 9, 1926, and the enactment of the Radio Act of 1927 on February 23, 1927, nearly 200 new broadcasting stations came into existence, bringing the total up to 733. These new stations selected such frequencies as they chose without regard to interference or the rights of either American or Canadian stations. Existing stations which were dissatisfied "jumped" to other frequencies and increased their power and hours of operation at will. The result was a chaos which will long be remembered in the radio world as the "breakdown of the law," in which radio reception was virtually ruined.

Congressman White, upon the submission to the House in March 1926 of the committee report on the White Bill, which in slightly amended form became the Radio Act of 1927, called attention to a national radio conference held in Washington in 1925, and stated that the pending bill was the committee's response to the suggestions for legislation adopted by the conference (Cong. Rec., Vol. 67, Pt. 5, p. 5478). He stated (p. 5479):

> It recognized that in the present state of scientific development there must be a limitation upon the number of broadcasting stations, and it recommended that licenses should be issued only to those stations whose operation would render a benefit to the public, are necessary in the public interest, or would contribute to the development of the art. This principle was approved by every witness before your committee.

With reference to the evils which the proposed bill was designed to remedy, he said (*ibid*, p. 5480):

> We do assert that the difficulties which confront us, the congestion which exists, the unwarranted grouping of stations, the complaints arising from the distribution of wave lengths and from the use of power are inevitable under existing law, which gives no powers commensurate with the problem.

The Radio Act of 1927, passed on February 27, vested control of radio broadcasting in the Federal Radio Commission under a licensing system. Section 9 of the Act authorized the granting of licenses "if public convenience, interest, or necessity will be served thereby", and provided further that (*infra*, p. 43, footnote):

> In considering applications for licenses and renewals of licenses, when and in so far as there is a demand for the same, the licensing authority shall make such a distribution of licenses, bands of frequency of wave lengths, periods of time for operation, and of power among the different States and communities as *to give fair, efficient, and equitable radio service* to each of the same. * * *

The Davis Amendment, enacted one year later, resulted from the dissatisfaction of Congress with the Commission's application of this paragraph of Section 9. Congressman McKeown, a member of the House Committee in charge of the bill which became the Act of March 28, 1928, urging the enact-

ment of that provision, said (Cong. Rec., Vol. 69, Pt. 4, p. 4489):

> The Commission has construed an equitable distribution to mean from the standpoint of the listener. If he can have a receiver in Arizona that can hear New York, that is enough for him, and they say that is a fair and equitable distribution. * * * We are asking to pass this legislation so that the Commission will not do as it has in the past, ignore all the rest of the country and let the few stations in New York and Chicago dominate the whole broadcasting country.

The object of the proposed amendment is more fully discussed in the report of the House Committee, which states in part (H.R. 800, Seventieth Congress, 1st Session, pp. 3–4):

> * * * Prior to the present radio law there was no authority to control the location of stations. It does no violence to truth to say that prior to March 1927, stations were built whenever and wherever applicants desired and that there was no legal power to control either the use of wave lengths or power. The present commission on its assumption of authority found conditions not much different than they now are. *Is is perhaps idle to consider whether the commission during the past year could or should have brought about a redistribution. This amendment looks to the future.* It declares in terms the duty of the licensing authority to make an equal allocation among the five zones, of broadcasting licenses, of wave

> lengths, and of station power and provides that within each zone there shall be an equitable allocation among the States thereof in proportion to population and power. * * * It does not suggest that the requirement of the law of a showing of public interest, convenience or necessity as the basis for the grant of a license, or that other provisions of the law are to be waived. It is intended, however, to require of the licensing authority that as soon as may be and in proper cases licenses in number and in kind shall be granted to applicants from this third zone and other sections of the country sufficient to bring equality in the particulars specified. *If, however, within the entire United States the saturation point is now reached and additional stations or additional power or other wave lengths may not be granted in a particular zone without prejudice to all, then it necessarily follows that there must be worked out a redistribution of the stations and of the power and of wave lengths now authorized.* (Italics ours.)

The same report refers earlier (p. 1) to a proposal to reduce the maximum term of broadcasting licenses from the three-year period authorized in Section 9 of the Radio Act of 1927, to three months (enacted in Section 3 of the Act of March 28, 1928, (c. 263, 45 Stat. 373) because, "It was felt that during the period in which the licensing authority was endeavoring to effect a more ordered system and more equitable service throughout the country,

short-time licenses would make it easier to work out advisable adjustments."

There can thus be no question of the intent of Congress that, where necessary to bring about the equitable distribution facilities provided for in the Davis Amendment, the Commission should decline to renew the licenses of existing stations, even though they might otherwise be operating in the public interest.

There can be no question of the constitutional power of Congress to bring about the equitable distribution of facilities required by the Davis Amendment. It will hardly be urged that the standard adopted—fair and equitable treatment of each of the States according to population—is arbitrary or otherwise unlawful. The fact that the application of this standard may force respondents' stations off the air does not, without more, indicate that their constitutional rights have been impaired. The court below has held on several occasions that a broadcasting station enjoys no vested right to continue to operate, which is superior to the regulatory power of Congress. *Trinity Methodist Church, South* v. *Federal Radio Commission,* 62 F. (2d) 850, certiorari denied, January 16, 1933; *KFKB Broadcasting Association* v. *Federal Radio Commission,* 47 F. (2d) 670; *City of New York* v. *Federal Radio Commission,* 36 F. (2d) 115, certiorari denied, 281 U. S. 729; *Technical Radio Laboratory* v. *Federal Radio Commission,* 36 F. (2d)

111. The Circuit Court of Appeals for the Seventh Circuit has reached the same conclusion. *American Bond & Mortgage Co.* v. *United States,* 52 F. (2d) 318, certiorari denied, 285 U. S. 538. In the *Trinity Church case,* the court below said (p. 853):

> Nor are we any more impressed with the argument that the refusal to renew a license is a taking of property within the Fifth Amendment. There is a marked difference between the destruction of physical property, as in *Penna. Coal Co.* v. *Mahon,* 260 U.S. 393, and the denial of a permit to use the limited channels of the air. As was pointed out in *American Bond & Mortgage Co.* v. *United States,* 52 F. (2d) 318, 320, the former is vested, the latter permissive, and, as was said by the Supreme Court in *C., B. & Q. Ry. Co.* v. *Illinois,* 200 U.S. 561, 593: "If the injury complained of is only incidental to the legitimate exercise of governmental powers for the public good, then there is no taking of property for the public use, and a right to compensation on account of such injury does not attach under the Constitution." When Congress imposes restrictions in a field falling within the scope of its legislative authority and a taking of property without compensation is alleged, the test is whether the restrictive measures are reasonably adapted to secure the purposes and objects of regulation. If this test is satisfied, then "the enforcement of uncompensated obedience" to such regulation "is not

an unconstitutional taking of property without compensation or without due process of law." (*Atlantic Coast Line R. Co.* v. *Goldsboro,* 232 U.S. 548, 558.)

These conclusions find ample support in many decisions of this Court sustaining the plenary power of Congress over interstate commerce. See Government's brief in *White* v. *Johnson,* 282 U.S. 367.

Respondents urged in the court below that even if the Commission had properly construed the Davis Amendment, the regulation of the Commission pursuant to which Station WJKS applied for the facilities previously licensed to respondents, was invalid. That regulation is embodied in paragraph 2 of the Commission's General Order 102 (Appendix B, *infra,* p. 46) which requires an applicant for facilities in an under-quota state in an over-quota zone to apply for facilities already in use in an over-quota state in that zone. Respondents did not question the propriety of limiting an applicant in an over-quota zone to apply for facilities already in use in an over-quota state in that zone. Their contention was that the effect of the regulation is to delegate to Station WJKS the selection of the facilities which should be assigned to it.

This contention is founded upon a misconstruction of the meaning and effect of General Order 102. Its object is merely to require the applicant

to indicate specifically the facilities to which it believes it is entitled; it is not intended to, and does not in any way, prejudice the station to which those facilities are then licensed. In *Chicago Federation of Labor* v. *Federal Radio Commission,* 41 F. (2d) 422, decided before General Order 102 was adopted, the Court of Appeals considered an earlier but somewhat similar practice of the Commission, saying (p. 423):

> Under section 4 (f) of the Radio Act of 1927 (47 U.S.C.A., Sec. 84 (f)), the Commission is authorized to make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations and to carry out the provisions of the act. It is necessary that when a broadcasting station applies for the assignment of some other frequency to take the place of that already allotted to it, the station shall first determine what frequency it desires to apply for, and shall specify it in its application, in order that the Commission may be advised of the exact force and effect of the application.

There is nothing, however, in the fact that the applicant is required to specify the facilities which it desires, which indicates that the respondent may not defend on the ground that facilities other than its own should be granted to the applicant. Thus there was nothing to prevent respondents in this case from raising the question that other stations in over-quota states in the Fourth Zone, employing

facilities which Station WJKS could use, were being operated less in the public interest than their stations. In order to sustain its claim to the facilities licensed to respondents, Station WJKS would then have had to show the contrary. But respondents did not raise this question before the Commission. They made no request that any other stations should be made parties. There is nothing to indicate, therefore, that they have been prejudiced by the operation of General Order 102.

The validity of General Order 102 has been sustained where the applicant has appealed. *Durham Life Insurance Company* v. *Federal Radio Commission,* 55 F. (2d) 537.

General Order 102 is designed not merely to define the issues before the Commission and to provide for an orderly procedure. It imposes upon the applicant the burden of showing not only its own necessities but that they are more important in the public interest than the continuance of another's license. The others may no doubt defend upon the ground that the public interest will be better served by the refusal of some other license. There is no injustice in this and the practice adopted avoids the initial necessity of making all stations in over-quota States parties to every hearing on an application for facilities from an under-quota state. It would be practically impossible, on account of the multiplicity of parties, the time required, and the size of the record which would be made, for the Commission to carry on its work if such procedure

were required. Congress must have "intended that a method should be pursued by which the task, which it imposed upon the Commission, could be performed." *New England Divisions Case,* 261 U.S. 184, 197.

II

THE FINDINGS OF THE COMMISSION WITH REFERENCE TO INTERFERENCE CONDITIONS ARE AMPLY SUPPORTED BY THE EVIDENCE

The Commission, in granting the application of Station WJKS, concluded that the station was experiencing objectionable interference upon its existing frequency; that by the change in frequency it would be enabled to extend and improve its service, and that interference within the good service areas of other stations would not be increased by the change (*supra,* p. 6).

It is not clear whether the court below accepted these conclusions as final. It referred in its opinion (R. 1138) to certain findings of the examiner, not approved by the Commission and inconsistent with the Commission's findings (*supra,* pp. 10–11). The Commission's findings are adequately supported by evidence, and should have been accepted as conclusive.

The evidence clearly establishes that there was objectionable interference on the applicant's assigned frequency of 1,360 kc. Reception of the applicant's programs was poor, due to noise, hum, and cross-talk (R. 63, 67, 72). Complaints have been received from people within 6 or 7 miles of the

transmitter that the station could not be heard (R. 72). The worst interference was encountered in the south, southwest, and east (R. 69). The call letters of a Syracuse station had been heard during the applicant's broadcasting time (R. 68, 218). Interference was noted within a radius of 3, 6, 8, and 10 miles of the transmitter (R. 71, 218). An engineer with the Federal Radio Commission testified that a 1,000-watt station should furnish excellent city service to an area of about 9 miles, and that it should give good residential service within a 35-mile area (R. 117). His estimate of good service area was based on a field intensity of 2 millivolts, or 2,000 microvolts, per meter (R. 122).

The applicant's consulting engineer made field observations on April 20 and 21, 1931, within a radius of approximately 30 miles of WJKS' transmitter (R. 159). These observations were made with a field intensity measuring set and consisted of two distinct observations (R. 159). One observation was made about 30 miles south of WJKS, at which point the station's signal was about 1.8 millivolts per meter (R. 159). There was audible interference at this point, which was definitely disturbing and detrimental to good reception (R. 159). Another observation was made 30 miles southeast of WJKS, the signal at that point being 3 millivolts per meter (R. 159). The interference at that point was also capable of being measured and appeared to be coming at right angles from a line from which the signal from WJKS was coming

(R. 159). The interference measured 0.2 millivolt per meter and was in the nature of a beat note which was quite loud and very annoying (R. 159). The interfering beat note had a frequency of 100 cycles per second and affected speech and announcements to a greater extent than music (R. 159). A third observation was made 30 miles east of WJKS. The signal at this point was almost indistinguishable, due to interference (R. 159). Measurement at this point revealed that the combined level of the WJKS signal and the interference was about 1½ millivolts per meter (R. 159). At this point there was a 100-cycle per second beat note from an unidentified station and also a low flutter in the reception of WJKS of about 10 cycles per second. This interference, the engineer testified, was from another station operating on almost exactly the same frequency (R. 160). The engineer described a 100-cycle per second beat note as a constant tone which would correspond to about 100 cycles per second (R. 160). He stated that with good receivers, beat notes from about 10,000 cycles on down to practically zero were perceptible to the ear and were objectionable (R. 160). On most receivers 50-cycle sounds might not be transmitted to the ear due to deficiency in the receiver (R. 160). Interfering sounds from about 75 cycles to 3,000 cycles would greatly disturb the reception of speech, while higher frequency sounds would disturb both speech and certain types of music (R. 161).

The engineer stated that in his opinion there was sufficient signal strength from WJKS to give good reception were interference not present, but that, in his opinion, there was objectionable interference (R. 162). This is supported by the statement of the Commission's engineer who said that, assuming a field intensity of 2 millivolts per meter, a 1,000-watt station should have a good service area of approximately 35 miles (*supra*, p. 35).

This witness also testified that for over a year at his home in Chicago, 30 or 35 miles from WJKS, he had intermittently observed the operations of WJKS (R. 134). At various times the signal was too poor to give good service, not from a signal strength standpoint but due to heterodyne, usually of from 100 to 200 cycles per second, which made it rather objectionable to listen to (R. 134). On March 4 and 5, he made two observations for the specific purpose of determining the extent of the heterodyne and found it on those occasions to be extremely bad (R. 134). In his opinion the heterodyne was caused by another radio station (R. 134–135).

The applicant's engineer testified further that he had made an examination of the transmitter of WJKS on March 5, 1931, and found it to be an average and typical composite transmitter consisting of a crystal controlled apparatus with the usual and necessary intermediate amplifier stages (R. 133, 134). Low level modulation was employed, and the apparatus was so arranged as to produce a high

percentage of modulation (R. 134, 158). The equipment, he stated, was in good mechanical condition, and appeared to be in good electrical condition (R. 134). He stated that he had examined the equipment of WIBO approximately a year and a half before the hearing, and that it also used an average composite transmitter (R. 179). Its towers were of the same general type as those of WJKS (R. 179).

He concluded, on the basis of the examination he had made, that WJKS was efficient and that it was probably radiating substantially 1,000 watts power (R. 179).

The applicant also introduced testimony showing that the objectionable interference which it encountered on its present frequency of 1,360 kc would not exist if it were permitted to broadcast on the 560 kc frequency. Although respondents' stations were located 30 or 40 miles from Gary, their reception in that area on the lower frequency was clear while that of the applicant was not (R. 68, 95). The applicant's engineer also testified that, based upon his reception of the stations in Chicago, he would not expect WJKS to get interference if it were operating on 560 kc (R. 163, 167–168). The manager of Station WIBO stated that its reception was perfectly satisfactory (R. 357). There was also testimony showing that the lower frequency, 560 kc, was more desirable for local service than the frequency used by the applicant (R. 223, 232). An engineer of the Federal

Radio Commission stated that if the purpose of a station was to serve an immediate compact area, it was more likely that it could do so on a low frequency than on a high frequency (R. 125).

The Commission found that the operation of Station WJKS on the frequency of 560 kc would not be expected to increase interference with the service of any other stations (R. 1128). This finding was supported by the testimony of the Commission's engineer, who stated that local conditions would probably have more effect upon other stations on the main channel and adjacent channels than the short change in actual mileage from Chicago to Gary (R. 119, 123). The finding was also supported by the evidence that the reception on the 560 kc frequency in Gary was free from interference (*supra,* p. 38). Respondent's engineer stated that before expressing an opinion as to whether WJKS would encounter interference from or would create interference with other stations on the 560 kc frequency, he would want to listen carefully on that frequency in and around Gary (R. 320).

Respondent, WIBO, sought to establish before the Commission by engineering testimony that there was a possibility that the interference experienced by the applicant was due to some deficiency in its equipment or operation. The engineer who testified had never seen the equipment nor the station, and stated that he could not judge its efficiency (R. 312, 314, 315). The applicant's engineer testi-

fied that the equipment was in good mechanical condition, and appeared to be in good electrical condition (*supra,* pp. 37–38). Respondent's engineer stated that, in view of the mileage separation between the Syracuse and Gary stations (600 miles), both operating on 1,360 kc with 1,000 watts power, he would expect objectionable interference, due to heterodyne (R. 320). He suggested that antenna improvements sometimes are effective to correct the interference, but without having seen the Gary station he could not say that it was capable of improvement in that respect (R. 321). It is significant that the measures which he proposed were chiefly calculated to increase the effective strength of the station's signal (R. 311), but he stated that the field strength measurements taken by the applicant's engineer gave results better than would be expected from the average 1-kilowatt transmitter (R. 314).

CONCLUSION

It is respectfully submitted that the decree of the court below should be reversed, with directions to affirm the order of the Commission.

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Solicitor General.
WILLIAM G. DAVIS,
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Federal Radio Commission.
APRIL, 1933.

APPENDIX A

The Radio Act of 1927, as amended by the Act of March 28, 1928, and by the Act of July 1, 1930, provides, in part, as follows:

> That this Act is intended to regulate all forms of interstate and foreign radio transmissions and communications within the United States, its territories and possessions; to maintain the control of the United States over all the channels of interstate and foreign radio transmission; and to provide for the use of such channels, but not the ownership thereof, by individuals, firms, or corporations, for limited periods of time, under licenses granted by Federal authority, and no such license shall be construed to create any right, beyond the terms, conditions, and periods of the license * * * (c. 169, 44 Stat. 1162, U.S.C., Sup. VI, Title 47, Sec. 81).
>
> SECTION 2. For the purposes of this Act, the United States is divided into five zones, as follows: * * * the fourth zone shall embrace the States of Indiana, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Kansas, and Missouri; * * * (c. 169, 44 Stat. 1162, U.S.C., Sup. VI, Title 47, Sec. 82).
>
> SECTION 4. Except as otherwise provided in this Act, the commission, from time to time, as public convenience, interest, or necessity requires, shall—
>
> * * * * *
>
> (c) Assign bands of frequencies or wave lengths to the various classes of stations, and assign frequencies or wave lengths for each

individual station and determine the power which each station shall use and the time during which it may operate;

(d) Determine the location of classes of stations or individual stations;

* * * * *

(c. 169, 44 Stat. 1163, U.S.C., Sup. VI, Title 47, Sec. 83).

SECTION 9. The licensing authority, if public convenience, interest, or necessity will be served thereby, subject to the limitations of this Act, shall grant to any applicant therefor a station license provided for by this Act.

It is hereby declared that the people of all the zones established by section 2 of this Act are entitled to equality of radio broadcasting service, both of transmission and of reception, and in order to provide said equality the licensing authority shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power, to each of said zones when and in so far as there are applications therefor; and shall make a fair and equitable allocation of licenses, wave lengths, time for operation, and station power to each of the States, the District of Columbia, the Territories and possessions of the United States within each zone, according to population. The licensing authority shall carry into effect the equality of broadcasting service hereinbefore directed, whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewals of licenses: *Provided,* That if and when there is a lack of applications from any

zone for the proportionate share of licenses, wave lengths, time of operation, or station power to which such zone is entitled, the licensing authority may issue licenses for the balance of the proportion not applied for from any zone, to applicants from other zones for a temporary period of ninety days each, and shall specifically designate that said apportionment is only for said temporary period. Allocations shall be charged to the State, District, Territory, or possession wherein the studio of the station is located and not where the transmitter is located.*

No license granted for the operation of a broadcasting station shall be for a longer term than three years and no license so granted for any other class of station shall be for a longer term than five years, and any license granted may be revoked as hereinafter provided. Upon the expiration of any license, upon application therefor, a renewal of such license may be granted from time to time for a term of not to exceed three years in the case of broadcasting licenses and not to exceed five years in the case of other licenses (c. 169, 44 Stat. 1166, as amended March 28, 1928, c. 263, 45 Stat. 373; U.S.C. Sup. VI, Title 47, Sec. 89.)

SECTION 11. If upon examination of any application for a station license or for the renewal or modification of a station license the licensing authority shall determine that

*As originally enacted this paragraph of Section 9 provided:

"In considering applications for licenses and renewals of licenses, when and in so far as there is a demand for the same, the licensing authority shall make such a distribution of licenses, bands of frequency of wave lengths, periods of time for operation, and of power among the different States and communities as to give fair, efficient, and equitable radio service to each of the same" (c. 169, 44 Stat., 1166).

public interest, convenience, or necessity would be served by the granting thereof, it shall authorize the issuance, renewal, or modification thereof in accordance with said finding. In the event the licensing authority upon examination of any such application does not reach such decision with respect thereto, it shall notify the applicant thereof, shall fix and give notice of a time and place for hearing thereon, and shall afford such applicant an opportunity to be heard under such rules and regulations as it may prescribe.

Such station licenses as the licensing authority may grant shall be in such general form as it may prescribe, but each license shall contain, in addition to other provisions, a statement of the following conditions to which such license shall be subject:

(A) The station license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies or wave length designated in the license beyond the term thereof nor in any other manner than authorized therein. * * * (c. 169, 44 Stat. 1167; U.S.C. Sup. VI, Title 47, Sec. 91.)

SECTION 16. (a) An appeal may be taken, in the manner hereinafter provided, from decisions of the commission to the Court of Appeals of the District of Columbia in any of the following cases:

* * * * *

(3) By any other person, firm, or corporation aggrieved or whose interests are adversely affected by any decision of the commission granting or refusing any such application or by any decision of the commission revoking, modifying, or suspending an existing station license.

* * * * *

(d) At the earliest convenient time the court shall hear and determine the appeal upon the record before it, and shall have power, upon such record, to enter a judgment affirming or reversing the decision of the commission, and, in event the court shall render a decision and enter an order reversing the decision of the commission, it shall remand the case to the commission to carry out the judgment of the court: *Provided, however,* That the review by the court shall be limited to questions of law and that findings of fact by the commission, if supported by substantial evidence, shall be conclusive unless it shall clearly appear that the findings of the commission are arbitrary or capricious. The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under section 347 of title 28 of the Judicial Code by appellant, by the commission, or by any interested party intervening in the appeal.

* * * * *

(c. 169, 44 Stat. 1169, as amended July 1, 1930, c. 788, 46 Stat. 844; U.S.C. Sup. VI, Title 47, Sec. 96 (a), (3), (d).)

APPENDIX B

General Order No. 102 (R. 1072–1073)

* * * * *

Whereas under the unit and quota figures adopted by the Commission, the First and Second Zones are under-quota and the remaining three zones are over-quota;

And whereas there are a number of states that are over-quota and a number of states that are under-quota;

And whereas there is now pending before the Commission a number of applications from under-quota states which, under the law, are entitled to their pro rata share of radio facilities;

Therefore, in order to bring about an equalization of these radio facilities among the states in the zones, the Commission adopts the following with reference to applications:

1. Where a zone has already in use its pro rata share of facilities, the Commission will not allocate any further radio facilities to that zone, which would increase its quota.

2. Applications from under-quota states in zones which have already allocated to them their pro rata share of radio facilities should be for a facility already in use in that zone by an over-quota state.

3. Likewise, where a state is already over-quota, the Commission will not allocate any further radio

facilities to that state, which would increase its quota.

4. Applications from states which now have their quota, or from states which are over quota, should be for facilities already in use in that state.

5. An applicant from an under-quota state in an under-quota zone may apply either for facilities in use in an over-quota state in that zone or an over-quota state in an over-quota zone.

The further questions of kilocycle and mileage separations should also be considered by an applicant in selecting the frequency to be applied for.

Since the Commission has classified stations in accordance with power into three classes, namely, clear channel, regional, and local stations, and has allocated certain frequencies for the use of each of these three classes of stations, applications should be for frequencies set aside by the Commission for the character of station applied for.

All applications now pending before the Commission which have not been heard or designated for hearing by the Commission may be amended by the applicants to conform to this Order.

U. S. GOVERNMENT PRINTING OFFICE 1-33

In the Supreme Court of the United States

OCTOBER TERM, 1932

No. 657

FEDERAL RADIO COMMISSION, PETITIONER

v.

NELSON BROTHERS BOND & MORTGAGE COMPANY
(Station WIBO)

No. 658

FEDERAL RADIO COMMISSION, PETITIONER

v.

NORTH SHORE CHURCH (STATION WPCC)

ON WRITS OF CERTIORARI TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

REPLY BRIEF FOR THE FEDERAL RADIO COMMISSION

Respondents, in their brief filed herein, do not question the constitutional power of Congress to regulate radio broadcasting, nor do they attack the validity of the Congressional policy, embodied in the Davis Amendment, to bring about a fair and

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equitable distribution of radio-broadcasting facilities among the States. But respondents apparently take the view (Brief, p. 63) that the process of equalization may not involve the removal of any "properly existing station".

We have endeavored to show that Congress, in enacting the Davis Amendment, intended that equalization should be carried out where necessary by the transfer to underquota areas of facilities already in use in overquota districts (Main Brief, pp. 20–29). Because of the limited number of broadcasting frequencies available, the policy of equalization can, as a practical matter, be carried out in no other way. The very fact that the available facilities are limited will tend to reduce to a minimum the number of stations which will voluntarily abandon their assignments or subject themselves to the revocation of their licenses for cause. Consequently, unless applicants in underquota States can obtain, upon a proper showing, facilities in use in overquota States by stations not otherwise subject to attack, underquota States must remain indefinitely underserved.

Heed must be given to the circumstances surrounding the passage of the Radio Act of 1927 and the Davis Amendment. Due to the almost instantaneous development of radio broadcasting, the novelty of the art, and the complexities of the problems created, some time was required before Congress could determine upon the principles which would guide the development of the art along lines most

consonant with the public interest. When it became apparent, furthermore, that the Radio Act of 1912 imposed practically no restriction on the number of stations which might broadcast, an excessive number of stations were established, concentrated largely in the metropolitan areas of the country. We do not believe that Congress was powerless to remedy this situation. We think that Congress had the power and exercised it in the enactment of the Radio Act of 1927 and the Davis Amendment of 1928.

The Radio Commission was charged by Congress with the duty of applying the policies of these statutes in particular cases by the exercise of its judgment upon the facts found by it. The findings of fact of the Commission which are supported by substantial evidence are by statute (Section 16 of the Radio Act, as amended) made conclusive, unless shown to be arbitrary or capricious. We believe it apparent from our main brief that the findings of the Commission in this case are amply supported by the evidence, and we submit that the substantial, detailed grounds upon which the Commission based its decision (Main Brief, pp. 6–7) are in accordance with the law, and fully sustain its action.

Certain contentions advanced by respondents, which were not considered in our main brief, are here noticed.

So far as the jurisdictional point is concerned what has been said in our reply brief in support of

the petitions for certiorari is supplemented by the citation of *Crowell* v. *Benson,* 285 U.S. 22, 54, and *Ma-King Products Company* v. *Blair,* 271 U.S. 479, 483.

Respondents contend (Brief, pp. 30–34) that the Commission departed from its own General Order 92 when, in considering the relative positions of Illinois and Indiana with reference to assignments of broadcasting facilities, it failed to regard the fact that Illinois, while it was over-quota in total assignments, was under-quota in "regional" facilities. Respondent's contention is, apparently, that the effect of General Order 92 was to provide that each State should have not merely its fair proportion of total facilities, but of each class of facilities as well. A cursory examination of that order (R. 1069–1072) will reveal, however, that its object was merely to establish a standard for computing the value of the various types of facilities in use in a State in order to enable the Commission to determine the relative standing of the State in total assignments.

The classification of broadcasting stations was undertaken by the Commission in its General Order 40,* promulgated after the enactment of the Davis Amendment. That order apportioned the available frequencies among the different classes of stations, designating particular groups of fre-

* This order is set forth in the Commission's Annual Report for the year ending June 30, 1928, pp. 48–49. The order is analyzed and explained at pp. 214–220.

quencies for use by stations belonging to each class. By General Order 40, as amended, a number of frequencies were set aside for use by stations operating on clear channels, with power of 5 kw or more, permitting the reception of their programs at great distances. Other frequencies were set apart for simultaneous use by two or more stations operating in different zones, with power of 1,000 w or less, each serving a regional area in its State. A third group of frequencies was designated for simultaneous use by two or more low-powered stations within each zone, each serving a local or city area. These three classes of stations became popularly known as clear, regional, and local channel stations (R. 752).

In November 1928 a comprehensive reallocation of assignments of frequencies, power, and hours of operation to stations then operating was made in order to bring all stations within the classifications provided for in General Order 40, and in order also, so far as possible without removing any existing station, to distribute each of the various classes of facilities fairly among the zones and States (Annual Report, 1928, pp. 17–18, 215–218). There was no determination by the Commission, however, that the Davis Amendment required that each class of facilities should be separately prorated among the zones and States.

At that time, in the absence of any method of comparing the values of the different classes of facilities, the Commission was unable to determine

whether a State was over or under quota in total facilities (R. 388). It was on this account that General Order 92 was adopted in June 1930. This order, by assigning a unit value to each type of facility, enabled the Commission to compute the relative value of the total facilities licensed to each State. The need supplied by General Order 92 is explained by the Commission as follows (R. 753):

> Under the 1928 system, if a State was "under-quota" on one class of service and "over-quota" on another class, it was not practicable to determine the total value of the three classes of assignments so that one could be balanced against another to determine if a State was actually "under- or over-quota" on total radio facilities.
>
> Therefore, the development of a "unit system" was undertaken to evaluate stations, based on type of channel, power, hours of operation, and all other considerations required by law.

The Commission's engineer testified that under the regulations and engineering practices of the Commission, all calculations in regard to quota are based on total facilities, irrespective of the ratio of the three classes of stations (R. 392–393). The examiner ruled that the quota status of Illinois with respect to regional facilities was not material (R. 392–393).

Even if, as respondents appear to claim, General Order 92 did embody a plan providing for the allocation to each State of a specified quantity of each

class of facilities, such a plan would not be binding either on the Commission itself or on applicants for facilities. The latter would certainly be entitled to be heard with respect to the propriety of the application of the plan as it affected them. The plan would amount at most to a general guide for the Commission in applying the statutory standard: the Commission would be free to follow it or not in individual cases, as the facts and the law required.

We fail to see anything in the Davis Amendment which suggests, as respondents appear to contend (Brief, p. 34), that a State is entitled to any particular quota of each class of stations. The standard of the statute is a broad one—fair and equitable treatment of each of the States—and it is for the Commission to determine whether the circumstances of a particular State warrant the assignment to it of more of one class of facilities than another. As between Illinois and Indiana, for example, there would seem to be ample justification for assigning a relatively greater proportion of high power clear channel stations to the former and of low power regional stations to the latter.

Another contention of respondents (Brief, p. 30), one which was adopted by the court below (R. 1141), is that each of the three stations here involved received its present assignment in the general reallocation made in 1928 and that no showing has been made of a change in conditions since that

time. But in so far as the 1928 reallocation failed to establish the equitable distribution of facilities required by the law, it could have no finality. It is apparent, also, from the character of that reallocation (*supra*, p. 5) that it was not intended to determine finally the respective rights of individual stations.

Furthermore, in carrying out the general reallocation in 1928 the Commission determined that no existing stations should at that time be abolished. It was contemplated that improvement would be made in the future "wherever interference is found to exist in actual operation, through the reduction of power or the elimination of particular stations." (Commission's Annual Report, 1928, p. 215.) The present record shows that Station WJKS soon complained of interference experience on the frequency then assigned to it, and was authorized to increase its power output (R. 63). When this failed to eliminate the interference, and after Station WJKS had filed numerous further complaints with the Commission, the proceedings here involved were instituted (R. 63, 72, 83, 84).

There is no substance, either, in respondent's contentions (Brief, pp. 22–23, 66–67) based upon Section 14 of the Radio Act, providing for the revocation of broadcasting licenses for cause. No question of revocation of licenses is here involved, since respondents were operating under renewal licenses made expressly subject to such action as

the Commission should take after hearing on the application by Station WJKS (R. 39, 41, 42–43). *Technical Radio Laboratories* v. *Federal Radio Commission,* 36 F. (2d) 111, cited by respondents (Brief, p. 67), is not pertinent. That case decided merely that an appeal from the refusal of the Commission to renew a license, was not rendered moot by the fact that the renewal license, if granted, would since have expired. The basis of this ruling was that the appeal involved not merely the applicant's right to obtain the particular renewal license but also to its right to apply for further renewals thereafter. *Westinghouse Electric & Manufacturing Company* v. *Federal Radio Commission,* 47 F. (2d) 415, also cited by respondents (Brief, p. 67), decided that the Commission was not authorized to insert in a renewal license a proviso that no further renewal would be granted if application was made for the licensed facilities from another zone, unless provision was made for a hearing. In this case a hearing has been had.

Respondents set forth in their brief (pp. 45–47) the conclusions and recommendations of the Commission's examiner. Having been rejected by the Commission, we believe that they are entitled to no weight. In any event they are, we submit, either based on an erroneous conception of the law or conflict with findings of the Commission, supported by substantial evidence. The examiner's conclusion (No. 2) that the applicant had failed

to prove that less objectionable interference would result from the operation of Station WJKS on the 560 kc frequency was inconsistent with the Commission's finding that Station WIBO was clearly heard in Gary without interference (R. 1130). There was substantial testimony that the applicant's reception would be clear on that frequency (Main Brief, pp. 38–39).

His conclusion (No. 4) that the service of Station WJKS would be improved by the installation of the most modern radio equipment and operation in the most efficient manner on its present frequency was inconsistent with the findings of the Commission, supported by substantial evidence (Main Brief, pp. 37–38; R. 1127–1128), that the equipment of Station WJKS was in good mechanical and electrical condition and that Station WJKS delivered a signal of sufficient strength to give good reception in its normal service area if not interfered with. The conclusion (No. 5) that it was possible that more objectionable interference might result to other stations from the operation of the applicant on the 560 kc frequency was inconsistent with the Commission's findings (R. 1128, 1130), amply supported by evidence (Main Brief, p. 39), that such interference would not be expected.

The examiner also stated (Nos. 7, 8) that Indiana and the Calumet region received programs broadcast by the respondent stations, but he failed to point out that the programs of none of the Chicago

stations were designed to meet the needs of the Calumet area, served by Station WJKS (Main Brief, pp. 7–8, 22).

Respectfully submitted.

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APRIL 1933.

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FILE COPY

Nos. 659 - 660

FEB
CHARLES

Supreme Court of the United States

OCTOBER TERM, 1932.

FEDERAL RADIO COMMISSION, and JOHNSON-KENNEDY RADIO CORPORATION, a corporation (Station WJKS), *Petitioners*,

v.

NELSON BROTHERS BOND & MORTGAGE COMPANY (Station WIBO).

FEDERAL RADIO COMMISSION, and JOHNSON-KENNEDY RADIO CORPORATION, a corporation (Station WJKS), *Petitioners*,

v.

NORTH SHORE CHURCH (Station WPCC).

PETITION FOR WRITS OF CERTIORARI TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

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February 1, 1933.

PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.

Supreme Court of the United States

OCTOBER TERM, 1932.

NOS. ———

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v.

NORTH SHORE CHURCH (Station WPCC).

PETITION FOR WRITS OF CERTIORARI TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

Johnson-Kennedy Radio Corporation prays that writs of certiorari issue to review the decree of the Court of Appeals of the District of Columbia entered in the above entitled causes on December 5, 1932, which reversed an order

of the Federal Radio Commission refusing to renew the respondents' broadcasting licenses and granting the application of the Johnson-Kennedy Radio Corporation for the use of the frequency now assigned to the respondents.

Petitioner was the applicant before the Federal Radio Commission, and an intervener in the appeals to the Court of Appeals of the District of Columbia.

The jurisdiction of this court is invoked under Section 240 (a) of the Judicial Code, as amended by the Act of February 13, 1925, and under Section 16 of the Radio Act of 1927, as amended by the Act of July 1, 1930, c. 788, 46 Stat. 844.

Petitioner incorporates by reference the entire petition of the Solicitor General of the United States, filed in this court on behalf of the Federal Radio Commission, to review the aforesaid decree of the Court of Appeals of the District of Columbia; and petitioner respectfully asks leave to adopt the said petition as its own and to join therein as fully as though the said petition had been filed by it; and for the reasons therein stated, it is submitted that the petitions for writs of certiorari should be granted.

JOHNSON-KENNEDY RADIO CORPORATION,
Petitioner,

By MABEL WALKER WILLEBRANDT,
Counsel.

February 1, 1933.

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NOS. 659 AND 660.

IN THE

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FEDERAL RADIO COMMISSION, JOHNSON-KENNEDY RADIO CORPORATION (Station WJKS), INTERVENER,
Petitioners,

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NELSON BROTHERS BOND & MORTGAGE COMPANY (Station WIBO),
Respondent.

FEDERAL RADIO COMMISSION, JOHNSON-KENNEDY RADIO CORPORATION (Station WJKS), INTERVENER,
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vs.

NORTH SHORE CHURCH (Station WPCC),
Respondent.

ON WRITS OF CERTIORARI TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

BRIEF FOR JOHNSON-KENNEDY RADIO CORPORATION (Station WJKS), INTERVENER, PETITIONER.

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BRIEF FOR JOHNSON-KENNEDY RADIO CORPORATION (Station WJKS), INTERVENER, PETITIONER.

OPINIONS BELOW.

The Findings and Order of the Federal Radio Commission, appear at R. 1124-1131. The opinion of the Court of Appeals of the District of Columbia (R. 1137-1147) is reported in 62 F. (2d) 854.

JURISDICTION.

The decree of the Court of Appeals was entered December 5, 1932 (R. 1148). The jurisdiction of this Court is invoked under Section 240(a) of the Judicial Code, as amended by the Act of February 13, 1925, and under Section 16 of the Radio Act of 1927, as amended by the Act of July 1, 1930, c. 788, 46 Stat. 844.

COORDINATION OF THIS BRIEF WITH THE GOVERNMENT'S BRIEF.

Petitioner, Johnson-Kennedy Radio Corporation (Station WJKS), incorporates by reference the entire brief of the Solicitor General filed with this Court on behalf of the Federal Radio Commission; and petitioner respectfully asks leave to adopt said brief as its own and join therein as fully as though said brief had been filed by it.

This case raises for the first time before this Court the question of the construction of the Federal Radio Act, with amendments thereto, and regulations promulgated thereunder.

The government's brief deals primarily with the construction of the statutes, particularly the Davis Amendment, and the power thereby conferred upon the Federal Radio Commission to allocate radio facilities. The court below reversed the Commission on the ground that the "facts furnish no legal basis for the decision of the Commission", rendering it "*in a legal sense* arbitrary and capricious." Although we believe that the court below reached that conclusion through a mistaken interpretation of the powers of allocation conferred by the Davis Amendment, still the court flings out the challenge that the record lacks substantial evidence sufficient to make the Commission's findings "conclusive". Consequently the *facts* in the record are discussed and summarized in this brief more fully than would otherwise be done.

QUESTIONS PRESENTED.

WHETHER the Federal Radio Commission has power under the statutes, in the interest of the greater public service, to transfer the facilities of broadcasting stations WIBO and WPCC, in an over-quota State, to station WJKS in an under-quota state, and

WHETHER its findings, under the facts of this record, are supported by substantial evidence and are conclusive, *or*

WHETHER they "clearly appear" to be arbitrary and capricious.

STATUTES AND ORDERS INVOLVED.

The applicable provisions of the Radio Act of 1927 (c. 169, 44 Stat. 1162), as amended by the Act of March 28, 1928, (c. 263, 45 Stat. 373), known as the Davis Amendment, and as further amended by the Act of July 1, 1930 (c. 788, 46 Stat. 844), together with General Orders Nos. 92 and 102 of the Federal Radio Commission, are set forth in the Appendix, *infra*, pp. A-I.

A paragraph from the Act of July 1, 1930, which is the yardstick the reviewing court should use in measuring the correctness of decisions of the Federal Radio Commission, is as follows:

> (d) At the earliest convenient time the court shall hear and determine the appeal *upon the record before it*, and shall have power, *upon such record*, to enter a judgment affirming or reversing the decision of the commission, and, in event the court shall render a decision and enter an order reversing the decision of the commission, it shall remand the case to the commission to carry out the judgment of the court: Provided, however, That the review by the court shall be limited to questions of law and that findings of fact by the commission, if supported by substantial evidence, shall be conclusive unless it shall *clearly appear* that the findings of the commission are arbitrary or capricious. The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States

upon writ of certiorari on petition therefor under section 347 of Title 28 of the Judicial Code by appellant, by the commission, or by any interested party intervening in the appeal. (Italics supplied)

STATEMENT.

The petitioner, Johnson-Kennedy Radio Corporation, operates a part time broadcasting Station, WJKS, at Gary, Indiana, on the frequency of 1360 kc. (R. 1125.)

Indiana is 22 per cent UNDER its quota of radio assignments. (R. 1129.) It is more under-quota than any State in the Fourth Zone. (R. 108-113.)

The respondent, Nelson Brothers Bond & Mortgage Company, operates broadcasting Station WIBO, sharing time with the respondent North Shore Church, which uses call letters WPCC, on the frequency of 560 kc., in Chicago, Illinois. (R. 1128-1129.)

Illinois is 55 per cent OVER its quota of radio assignments. (R. 1129.)

Illinois and Indiana are both in the Fourth Zone, which has more than its prorata share of radio facilities. (R. 1129.)

WJKS suffers from objectionable interference in the form of cross-talk and heterodyne on the 1360 kc. frequency. (R. 1127-1128.) To get rid of the cross-talk, it applied to the Commission for the use of any other frequency in the range between 560 and 610 kc. (R. 35-38.) To extend the community service its station is rendering to the population of the Gary steel mills and Calumet area, it applied to the Commission for full time.

Before petitioner's application had been set for hearing the Commission, on January 8, 1931, promulgated a rule of procedure, known as General Order No. 102 (Appendix, p. H), providing that—

> Applications from under-quota states in zones which have already allocated to them their prorata share of radio facilities should be for a facility already in use in that zone by an over-quota state.
>
> * * * * * * * * *

> All applications now pending before the Commission which have not been heard or designated for hearing by the Commission may be amended by the applicants to conform to this Order.

Accordingly, petitioner amended its pending application to focus its request for the single 560 kc. frequency, which was then in use by Stations WIBO and WPCC, in the over-quota State of Illinois. (R. 39.)

When it came time to renew the licenses of WIBO and WPCC, the Commission specifically restricted them as to time and terms. The stations accepted the restricted licenses, not for the usual three months' period, but "on a temporary basis, and *subject to such action as the Commission may take after hearing on the application filed by WJKS.*" (R. 42.)

Hearing was set for April 23, 1931, and respondents, Stations WIBO and WPCC, together with other interested parties, were duly notified. (R. 43-46.) Testimony was taken before the Chief Examiner of the Commission from April 23 to April 30, 1931. (R. 1125.) The Examiner filed a report recommending that the application be denied (R. 1082-1094), to which report exceptions were taken (R. 1095-1123), which placed the case before the full Commission.

The Commission, on October 16, 1931, disregarding most of its Examiner's report, made its own unanimous "findings" from the record, as follows (R. 1130):

> 1. The applicant station (WJKS) now renders an excellent public service in the Calumet region and the granting of this application would enable that station to further extend and enlarge upon that service.
>
> 2. The deletion of Stations WIBO and WPCC would not deprive the persons within the service area of those stations of any type of programs not now received from other stations.
>
> 3. Objectionable interference is now experienced within the service area of WJKS through the operation of other stations on the same and adjacent frequencies.

4. The granting of this application and deletion of Stations WIBO and WPCC would not increase interference within the good service areas of any other stations.

5. The granting of this application and the deletion of Stations WIBO and WPCC would work a more equitable distribution of broadcasting facilities within the Fourth Zone, in that there would be an increase in the radio broadcasting facilities of Indiana which is now assigned less than its share of such facilities and a decrease in the radio broadcasting facilities of Illinois which is now assigned more than its share of such facilities.

6. Public interest, convenience and/or necessity would be served by the granting of this application

and pursuant to such findings, the Commission entered its order, granting the application of WJKS for modification of station license to permit it to operate full time on the 560 kc. frequency, and directing the discontinuance of respondents' temporary licenses for said frequency, the order to become effective twenty days thereafter. (R. 1130, 1131.)

Upon appeal by the Stations WIBO and WPCC, from the above findings and order, the Court of Appeals of the District of Columbia reversed the order of the Commission as being arbitrary and capricious, Justices Groner and Hitz dissenting.[1] (R. 1142, 1148.) Writs of certiorari granted by this Court bring the cases here.

---

[1] The dissenting opinion of two of the five Justices in the Court below was largely based, not upon the question of the right of that Court to reverse the findings of fact by the Federal Radio Commission because of lack of any reasonable evidence to sustain the Commission's finding, but on the contrary, the dissenting Justices considered the weight of the evidence and concluded, not only that there *had* been sufficient evidence of the facts before the Commission to warrant it in the exercise of its lawful duty to weigh the evidence and determine the issues, but that they themselves would have decided the matter, as did the Commission, in favor of the petitioner. Thus it appears that the effect of the majority opinion is not only to charge all five members of the Commission, but also to charge two of the Appellate Court Judges (Hitz and Groner) with being arbitrary and capricious in the view they take of the evidence in the record!

SUMMARY OF ARGUMENT.

The court has jurisdiction to entertain this proceeding. *Federal Radio Commission v. General Electric Co.*, 281 U. S. 464, relied on by the respondents, is not controlling here. That case was just an application for the renewal of an existing license. It was an *ex parte* proceeding, involving no conflicting claims between adverse parties, and the determination of the question by the Commission was purely an administrative act. So was the review by the Court of Appeals.

The instant cases present conflicting claims between adverse parties, their rights thereto arising under a statute. The respective claimants presented witnesses, had the benefit of cross-examination, and the proceeding had all the elements of a judicial trial. Before the Commission it was, therefore, a case or controversy within the meaning of the Constitution. In reviewing this controversy it was necessary for the court below, acting under the authority of the 1930 Act, not only to pass upon the evidence to determine whether it was substantial enough to support the Commission's findings, but to interpret the statute under which the conflicting claims arose. In doing so it discharged a judicial, as distinguished from an administrative function. The record, therefore, presenting a case or controversy and a judicial decision, this Court has jurisdiction under the Constitution and laws to entertain the writs of certiorari issued herein.

On the merits, petitioner submits that the court below not only misconstrued the statute, but that its conclusions are not supported by the record. It erroneously rejected the findings of the Commission and accepted the views of the Examiner whose recommendations had been rejected by the Commission. It failed to follow applicable principles announced in its prior decisions which, if applied to the facts in this case, would have required an affirmance of the Commission's order granting petitioner's application for in-

creased broadcasting facilities to which it was entitled under the statute.

If the court's decision is permitted to stand, it will be impossible in many instances to carry out the mandate of Congress requiring the Federal Radio Commission to make and maintain a fair and equitable allocation of the broadcasting facilities throughout the country.

The decision of the court below should be reversed.

ARGUMENT.

I.

This Court Has Jurisdiction to Entertain this Proceeding.

We are met by the challenge that this Court is without jurisdiction to entertain these cases, because of the dismissal of the writ of certiorari in *Fed. Radio Comm. v. General Electric Co.*, 281 U. S. 464, and the reasons given therefor. That case is not controlling here. In the *General Electric Company* case, as the Court pointed out, there were not two parties; in fact, the case consisted only of an application by the Electric Company for a renewal of its existing license. The Federal Radio Commission refused to renew the existing license, but issued in its stead one having fewer hours of service. The Court of Appeals, acting under the terms of the law prior to 1930, really put itself in the place of the Commission to pass upon the application.

Of course, this Court's decision in the *General Electric Co.* case is controlling as to the issues there involved, but that decision cannot be applied more broadly than its issues. Nothing was at issue except whether an ex parte petition gave rise to a case or controversy. In such an instance there was not a case or controversy before either the Commission or the Court of Appeals; there was merely an administrative hearing. The instant proceeding was a "case." It started not by petitioner WJKS asking the Federal Radio Commission just for a renewal of its

license; it started by the petitioner asking the Federal Radio Commission for additional facilities it was entitled to *under the law*. Section 5 of the Davis Amendment (Appendix, p. E), provides that the "licensing authority (the Radio Commission) shall carry into effect the equality of broadcasting service hereinbefore directed." Petitioner station WJKS (provided it showed itself qualified) being in an under-quota State, had a definite statutory right to have awarded to it facilities that the Commission was suffering to be used in other "over-quota" sections of the country. Under the orders promulgated by the Federal Radio Commission the applicant station was obliged to and did name the particular defendant station whose facilities it claimed the statutory right to have. It named stations WIBO and WPCC in Chicago. The petitioner, therefore, in this case was not an *ex parte* applicant to the Radio Commission for a renewal of something which the petitioner already had. It was an applicant for something that it did not have but which, under the Davis Amendment, Congress had indicated it could lay claim to secure. In addition to filing a petition (like a petition in equity) to show that it was entitled to additional facilities and qualified under the law to use them, it named as respondents in its petition two licensees in Chicago who were then using the coveted facilities. These Chicago licensees, WIBO and WPCC, were served. They filed an appearance; they subpoenaed witnesses, cross-examined all of the petitioner's witnesses. The hearing was governed by the rules of Equity in the District of Columbia. It was not an administrative determination of an *ex parte* application, like in the *General Electric Company* case; even before the Commission the hearing was a quasi-judicial determination, in all respects comparable to the determination before the Board of Tax Appeals, which in *Old Colony Trust Co. v. Commissioner of Internal Revenue*, 279 U. S. 716, this Court analyzed and held to be a proceeding judicial in character

and involving a "case or controversy" within the meaning of the Constitution. In the *Old Colony Trust Co.* opinion this Court, quoting Mr. Justice Field's definition in *In re Pacific Railway Commission*, 12 Sawy. 559, 32 Fed. 241, 255, concluded that a proceeding before the Board of Tax Appeals in all substantial respects met the tests in the definitions to qualify it as a case or controversy. We submit that the instant controversy between WJKS, petitioner, and WIBO and WPCC, respondents, when considered in the light of the Davis Amendment and General Orders Nos. 92 and 102 (Appendix, pp. F-I), meets the requirements of the various definitions of a "case" as applied in *Old Colony Trust Co. v. Commissioner.*

For instance, a part of Mr. Justice Field's definition is quoted (pp. 723-724) as follows:

> Whenever the claim of a party under the Constitution, laws or treaties of the United States takes such a form that the judicial power is capable of acting upon it, then it has become a case. The term implies the existence of present or possible adverse parties whose contentions are submitted to the court for adjudication.

This controversy fits the above definition like a glove. The petition of WJKS was certainly "the claim of a party under the laws (Davis Amendment and Order No. 92) of the United States." WJKS' pursuit of its "claim" unquestionably took "such a *form* that the judicial power is capable of acting upon it," in that, after the promulgation of the Commission's Order No. 102, WJKS' application for some new wave length and full time was amended to cite the particular wave length (560 kc.) then being used by WIBO and WPCC. Applicant's claim certainly, when this amendment was made naming particular defendant stations, became a "controversy", focused with definite issues and with rival litigants, WJKS, as "plaintiff", and WIBO and WPCC, as "defendants". Then, surely, if not before,

using the language of this Court, "it has become a case", because then, there were "adverse parties whose contentions are submitted to the court for adjudication".

In the *Old Colony Trust Co.* case the Court also quoted the words of Chief Justice Marshall when he construed Article III of the Constitution, in *Osborn v. Bank of United States,* 9 Wheat. 738 (p. 819) as follows:

> This clause enables the judicial department to receive jurisdiction to the full extent of the Constitution, laws and treaties of the United States *when any question respecting them shall assume such a form that the judicial power is capable of acting upon it.* That power is capable of acting only when the subject is submitted to it *by a party who asserts his rights in the form prescribed by law.* It then becomes a case and the Constitution declares that the judicial power shall extend to all cases arising under the Constitution, laws and treaties of the United States. (Italics supplied.)

WJKS, petitioning the Federal Radio Commission, the tribunal named in the law, was undoubtedly "a party who asserts his rights in the form prescribed by law."

In the *General Electric Company* case there was no "party who asserted any right in the form prescribed by law." There was only a party, the General Electric Company, which petitioned the Federal Radio Commission, and later the reviewing court, for a continuance of status,—as ex parte and discretionary a matter as it would be for a litigant to ask the court for an additional two weeks' time in which to file a brief.

The Federal Radio Commission, when first organized in 1927, faced a complex and difficult engineering and administrative problem, first, to comply with the terms of the statute in what was clearly an administrative responsibility, namely, to survey the facilities in use by the radio stations throughout the United States and evaluate them in order to bring about the equal distribution commanded by

the statute. The Davis Amendment in 1928 was addressed to the same purpose as the prior Act of 1927, but it made the Commission's powers more definite and authorized the Commission to promulgate rules and regulations to carry these powers into effect. At that time the various questions presented by applicants for radio licenses were admittedly not "in such a form that the judicial power could be capable of acting upon it." They were informal, following to a large extent the same informality that had become the practice with radio broadcasters when the whole question of radio licensing was handled administratively in the Department of Commerce.

The Commission proceeded to its engineering task first. Accordingly General Order No. 92 was promulgated, which classified and rated the value of radio facilities in use throughout the United States, and published the quota results, which, in effect said to every licensee in over-quota areas:

> Watch out! Your area is using more facilities than it has any right to under the law, and some of you will have to have something taken away from you, if applications are made from areas having less than the law gives them.

Order No. 92 was the engineering interpretation and application of the Davis Amendment. After its promulgation, all stations in over-quota areas were on notice that in the application of the terms of the law their use of assigned facilities might be challenged. And prospective applicants in under-quota areas learned that by the engineering application of the terms of the law they had a statutory right to more facilities than they were using. Still the procedure by which a station made application for increased facilities continued in some instances to be indefinite and unfocused, and might be said to fall short of being "in such a form that the judicial power could be capable of acting upon it". It was during that period that the *General Elec-*

tric Co. case arose, although it is doubtful if there ever were any issues in that proceeding that would make it possible of taking a judicial form, because that case did not present "adverse parties whose contentions are submitted to the court for adjudication."

To clarify procedure, and to raise specific issues between adverse parties, and to put the proceedings in such a form that the court could judicially review the controversy the Radio Commission promulgated General Order No. 102. Thereafter all applicants, claiming their statutory right of allocation of facilities, were compelled to name the licensee in an over-quota State or zone, whose facilities the applicant desired to capture. General Order No. 102, therefore, compelled proceedings before the Federal Radio Commission to be put in a form to enable the Commission to exercise what may be regarded as its quasi judicial powers. From the very start, there are adverse parties, plaintiffs in an under-quota region, and the defendants in an over-quota region, whose rival contentions to the time, power and wave length contested for are focused on definite issues. And findings of fact thereon if based on substantial evidence are, since 1930, made conclusive. The only parts of the Commission's decisions subject to review by the Court of Appeals are the rulings of law. While in the instant case it is true that the Commission is the only appellee named in the appeal, nevertheless, by reason of the intervention of Station WJKS, the Court of Appeals had before it for decision the same issues urged by the same adverse parties that were before the Commission.

This case is the very first case tried before the Federal Radio Commission which followed the procedure laid down in General Order No. 102.

It is submitted, therefore, even if the prior proceedings before the Commission and the court fell short of complying with the definitions of a "case or controversy", as

enunciated by Mr. Justice Field or Chief Justice Marshall, and set forth in other decisions of this Court[1], *this proceeding* complied in all respects with those definitions.

Even in *Muskrat v. United States*, 219 U. S. 346, a leading case where this Court inquired into what constituted the exercise of judicial power as conferred by the Constitution, there is the following significant comment, applicable and favorable here (p. 362):

> The questions involved in this proceeding as to the validity of the legislation *may* arise in *suits between individuals*, and when they do and are properly brought before this Court for consideration *they, of course, must be determined in the exercise of its judicial functions.* (Italics supplied.)

As pointed out above, this radio hearing, conducted in compliance with the Davis Amendment and regulations

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[1] The cases analyzed establish: (1) That it is not within the power of Congress to assign to courts of the United States (other than those of the District of Columbia) any duties except such as constitute a "case" or "controversy" within the meaning of the Constitution (*Hayburn's Case*, 2 Dall. 409; *United States v. Ferreira*, 13 How. 40); (2) that for a proceeding to constitute a case of controversy within the meaning of the Constitution there must be (a) adverse parties (*Muskrat v. United States*, 219 U. S. 346; *United States v. Ferreira*, 13 How. 40; *Liberty Warehouse Co. v. Grannis*, 273 U. S. 70), (b) a proceeding effecting rights in themselves appropriate subjects of judicial cognizance or a wrong to be redressed or prevented (*Liberty Warehouse Co. v. Grannis*, 273 U. S. 70), (c) finality to the judgment of the court (*Gordon v. United States*, 2 Wall. 561; *Re Sanborn*, 148 U. S. 222; *Hayburn's Case*, 2 Dall. 409; *Alexander v. United States*, 201 U. S. 117; *Frasch v. Moore*, 211 U. S. 1; *Baldwin Co. v. Howard Co.*, 256 U. S. 35; *Postum Cereal Co. v. California Fig Nut Co.*, 272 U. S. 693), and (d) power in the court to enforce any judgment which may be given (*Muskrat v. United States*, 219 U. S. 346; *Liberty Warehouse Co. v. Grannis*, 273 U. S. 70; *Gordon v. United States*, 2 Wall. 561; *Re Sanborn*, 148 U. S. 222; *United States v. Ferreira*, 13 How. 40); (3) that Congress has power to provide for the review of the action of administrative commissions or boards created by it which exercise only quasi-judicial powers on the theory that such review, although termed an appeal, actually is a proceeding *de novo* in the courts (*Stephens v. Cherokee Nation*, 174 U. S. 445; *United States v. Ritchie*, 17 How. 525); and (4) that the power of the courts can be invoked in aid of an administrative body in the performance of its statutory duty (*Interstate Commerce Commission v. Brimson*, 154 U. S. 447), even though that aid involve a review of questions of fact as well as questions of law, unless the aid sought would bring the courts in such intimate connection with the legislative power that it would result in the revision by the courts of a legislative discretion confided to the administrative body (*Keller v. Potomac Electric Power Co.*, 261 U. S. 428).

See also *Road District v. St. Louis Southwestern Railway Co.*, 257 U. S. 547, 560; *Ex Parte Bakelite Corp.*, 279 U. S. 438; and *Old Colony Trust Co. v. Commissioner*, 279 U. S. 716.

promulgated thereunder, is a "suit between individuals", and the interpretation of the Davis Amendment granting power enough to the Federal Radio Commission to weigh the equities between two rival stations, one in an over-quota and the other in an under-quota region, and take from the former to give to the latter, has been denied by the Court of Appeals. The majority opinion interprets this statute as lacking a sufficient grant of power to enable the Commission to equalize radio facilities by making an allocation in such a case. We have before the Court not only adverse parties but parties who assert conflicting rights, the proper determination of which depends upon the construction and validity of a statute. This certainly presents to the Court a case or controversy within the meaning of the Constitution.

Under Section 16 of the old or 1927 Act (Appendix, p. D) the Court of Appeals did not exercise a judicial review of the Commission's decision. The court was just a "super radio commission." Among the non-judicial features of the earlier act providing for what was called an appeal, we find:

1. The appeal could be taken to the Court of Appeals of the District of Columbia—or to
2. The *District* Court in the District where the station is located.
3. The appellant need file only the originals or certified copies of the "papers" and evidence presented with the original application or in the hearing.
4. The court hearing the appeal could allow the taking of additional evidence in any manner it prescribed.
5. The court on appeal could then alter or reverse the Commission's decree or it could enter such other judgments "as may seem just."

However, after the opinion of this court in the *General Electric* case, Congress passed the amendment to Section 16 known as the 1930 Act, (Appendix, pp. E-F) which changed the review of the Commission's decision from a purely administrative hearing on the part of the Court of

Appeals to a real judicial review. Changes in the 1930 Act, enabling the Court of Appeals of the District of Columbia to render a judicial review of the Commission's decision may be summarized as follows:

1. The Court of Appeals of the District of Columbia affirms or reverses the Commission,—instead of entering *any* judgment it deems best.
2. The court then remands the case to the Commission to carry out the judgment.
3. The appeal is based on a judicial record of all of the proceedings before the Radio Commission which record is made up like other records on appeal. The court may not take new evidence.
4. The court may not review the Commission's findings of fact except to determine whether they are supported by substantial evidence.
5. Its review is limited to questions of law except that it may examine the whole record to determine whether the action of the Commission was arbitrary or capricious.

The effect of the new law was to give the Court of Appeals a record in such form as to enable that court to make a judicial review, as against the loose *administrative* rehearing under the old law. It will therefore, be seen that we have all the elements of a "case or controversy" in the constitutional sense, and by the Amendment of 1930, we have also a judicial review of that case or controversy by the Court of Appeals—the two things which were lacking in the *General Electric* case. The fact that the Court of Appeals of the District of Columbia may be a legislative court, as respondents contend, is immaterial, since this court has held that it may nevertheless perform judicial functions.[1] It is submitted that this Court has jurisdiction under the judiciary clause of the Constitution.

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[1] Ex Parte Bakelite Corporation, 279 U. S. 438; Federal Trade Commission vs. Klesner, 280 U. S. 19; appellate jurisdiction has also been exercised in cases coming from Territorial Courts: Romeu vs. Todd, 206 U. S. 358; Good v. Martin, 95 U. S. 90; from the Court of Private Land Claims, U. S. vs. Coe, 155 U. S. 76, 85; and from the Court of Claims, DeGroot vs. U. S., 5 Wall. 419.

II.

The Court Below Not Only Misconstrued the Statute, but Its Conclusions Are Not Supported by the Record.

The majority opinion of the court below concludes that the decision of the Federal Radio Commission assigning to Station WJKS the frequency enjoyed by Stations WIBO and WPCC, and the consequent refusal to renew the licenses of the latter stations, is an arbitrary and capricious exercise of power.

This raises the three following inquiries:

1. Has Congress given to the Federal Radio Commission sufficient power to weigh the respective claims to public service of two stations, and, finding one less than the other, take the facilities from the one to give to the other?

We believe that Congress not only has granted sufficient power, but has imposed a direct mandate upon the Commission, to do that very thing.

It was because of the confusion in licensing and controlling broadcasting stations that the Federal Radio Commission was created.[1]

[1] For the convenience and information of the Court, there is here given a list of cases dealing with the constitutionality and construction of the Radio Act of 1927 and the Davis Amendment.

Cases construing the Act of 1927 and the rights of licencees thereunder: White v. Fed. Radio Com., 29 F. (2d) 113; United States v. Amer. Bond & Mortg. Co., 31 F. (2d) 448; Gen. Electric Co. v. Fed. Radio Com., 31 F. (2d) 630; Technical Radio Lab. v. Fed. Radio Com., 36 F. (2d) 111; City of N. Y. v. Fed. Radio Com., 36 F. (2d) 115; K F K B Broadcasting Assn. v. Fed. Radio Com., 47 F. (2d) 670; Journal Co. v. Fed. Radio Com., 48 F. (2d) 461; Trinity Methodist Church v. Fed. Radio Com., 62 F. (2d) 850.

Cases construing the Davis Amendment and General Orders Nos. 92 and 102: Chicago Fed. of Labor v. Fed. Radio Com., 41 F. (2d) 422; Ansley v. Fed. Radio Com., 46 F. (2d) 600; Reading Broadcasting Co. v. Fed. Radio Com., 48 F. (2d) 458; Durham L. Ins. Co. v. Fed. Radio Com., 55 F. (2d) 537; W H B Broadcasting Co. v. Fed. Radio Com., 56 F. (2d) 311; Strawbridge & Clothier v. Fed. Radio Com., 57 F. (2d) 434.

As pointed out in the dissent below (R. 1144):

> The debates in Congress prior to the adoption of the Act of 1927 indicate a recognition by Congress of the well known fact that, prior to the passage of the Act, chaotic conditions existed in the broadcasting field. There were within fifty miles of Chicago forty stations, of New York thirty-eight, of Philadelphia, thirty-two, and of San Francisco, twenty-two. It was this unequal distribution of the limited number of wave lengths, etc., and the recognition of the principle that equality of service within the several States depends in considerable measure in a proper distribution of operating stations within the States that induced the passage of the Davis Amendment.

The purpose of the Act of March 28, 1928 (Appendix, pp. D, E), known as the Davis Amendment, is shown by the preamble to Section 5 thereof, which amends Section 9 of the Radio Act of 1927 (Appendix, p. C), and declares that—

> * * * the people of all the zones established by section 2 of this Act are entitled to equality of radio broadcasting service, both of transmission and of reception, * * *.

In order to secure such equality, the Act declares that the Commission shall as nearly as possible—"*make* and *maintain* an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power, to *each of said zones*" and "*shall make* a fair and equitable *allocation*" of such facilities "to *each of the States* within each zone, according to population." Instead of providing summarily for reallocation to be accomplished within a given date, the Davis Amendment directs the Commission to carry it into effect

whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for new licenses or for renewals. That all this is well within the regulatory power of Congress under the Commerce Clause there can be no doubt, and that one engaging in broadcasting obtains no property right to be free from the exercise of that power, is equally clear.[1]"

The court below seems to forget that the Congressional command to the Commission in making adjustments between the States, is not only to be "fair and equitable," but also *to make* the allocation. In using that word "allocate," Congress certainly means to arrange, distribute, move, adjust, assign. To shrink the meaning of the law, so as to inhibit the Commission from acting, when to allocate might injure a good station already established, would ignore the mandatory language "shall", and would curtail the powers of the Commission to such an extent that radio conditions would have to remain practically frozen in the position they were before the law was passed. So restricted, the Commission could only relieve an over-crowded area if a station were caught violating the Commission's rules, or if it voluntarily surrendered its license. Reason repudiates such a passive interpretation of powers conferred. The powers conferred are equal to the duties imposed. Since radio facilities are definitely limited, and all there were,

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[1] See discussion in *Trinity Methodist Church, South v. Federal Radio Commission* (D. C. App.) 62 F. (2d) 850, certiorari denied, 284 U. S. 685, and in *American Bond and Mortgage Co. v. United States* (C. C. A. 7th), 52 F. (2d) 318, certiorari denied, 285 U. S. 538. In the latter case it was said (p. 322):

> "If Congress under the Commerce Clause of the Constitution had the power to regulate this subject, it surely could exercise its power in the only manner which would accomplish the desired end, which was through the elimination of a plurality of broadcasting stations operating on the same wave length in the same territory at the same time. Every investment in broadcasting stations was subject to this exercise of reasonable and necessary regulation by Congress. As against such possible regulation there existed no vested right in favor of the investors."

were already assigned before the law was passed, Congress had to relieve the situation by providing for a sudden or a gradual reallotment. It chose the gradual method. But it is none the less clear that the purpose of Congress, in the Davis Amendment, was to lay the obligation upon the Commission to *weigh the equities*, and compare the service to the people which a station in one area might be rendering, with the service to the people a station in another area was rendering, and, in the interest of the public, take from one and give to another. It is the "people" in the zones and States whom the Commission must primarily keep in mind in making changes, *not* the licensees, or station owners. Where inequality of broadcasting service exists, the provisions of the statute become mandatory[1] and must be applied, irrespective of the detrimental effect such action may have upon any particular station. Of course this confers upon the Radio Commission a heavy responsibility. Not a greater responsibility, however, than Congress has heretofore bestowed upon other Commissions, such as the Interstate Commerce Commission.[2]

When a Commission with the delegated power to determine conflicting facts, has decided what "fairness to all

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[1] The court below seemed impressed with the off-hand comment of the Examiner to the effect that although the granting of the application would have a tendency to equalize the under quota condition of Indiana, nevertheless, Indiana now had service from the "State of Illinois, none of which service may be charged against the quota of the State of Indiana" (R. 1139 1141). Of course, it is true that the Midwest States have some service from New York and Eastern States. It is a rather well known fact that WLW in Cincinnati is heard all over the country but the law is plain that the division of the quota is to be by zones and states, and divided in the proportion of population as to the latter. And lest confusion arise in the computations where stations are close to state borders, the law itself declares that "allocations shall be charged to the state * * * wherein the studio of the station is located, and not where the transmitter is located." (Appendix p. E.)

[2] See state of *Colorado v. United States*, 271 U. S. 153, in which case this Court's observation exactly fits the instant discussion, viz (p. 169):

> "The problem and the process are substantially the same in these cases as where the conflict is between the needs of intrastate and of interstate commerce. Whatever the precise nature of these conflicting needs, the determination is made upon a balancing of the respective interests—the effort being to decide what fairness to all concerned demands."

(See also Mahler v. Ely, 264 U. S. 32, 41.)

concerned demands," then it is a well settled rule, as applicable here as in the case of other boards and commissions, that—

> * * * administrative findings on issues of fact are accepted by the court as conclusive if the evidence was legally sufficient to sustain them and there was no irregularity in the proceedings. (Phillips v. Commissioner of Internal Revenue, 283 U. S. 589, 600 and cases therein cited).

The court below found no "irregularities." That the evidence is "legally sufficient" is discussed under question 3, *infra*.

2. Has the Commission, by its procedure, acted arbitrarily or capriciously in arriving at the decision in this case?

General Order No. 102 (Appendix, pp. H-1) set up the procedure to be followed where the Commission is called upon to decide between two contending stations. The procedure is fair to all. It gives the station operating in an over-quota State, whose facilities are demanded by a station in an under-quota State, the opportunity for defense and cross-examination. If it believes that it is operating more in the public interest than some other station located in the same state, which is licensed to employ facilities which the applicant could use, there is nothing to prevent it from so asserting and from having such other station, or stations if there are more than one, made parties. It also puts in the same record, side by side, the story of the service each station renders to its particular community. This gives the Commission a sound basis for factual comparison.

3. Do the facts of this record, fail to support the Commission's decision, so as to render that decision arbitrary and capricious?

In the majority opinion of the court below there is an almost total disregard of the *evidence* in the record which sustained the Commission's findings. The mere assertion of arbitrariness, is not enough to support so grave a charge.

Neither is it a sufficient basis to refer to the views of an employee of the Commission and express a *preference* for his conclusions.[1]

When the act of July 1, 1930, announced that "findings of fact by the Commission, if supported by substantial evidence shall be conclusive," it was the findings of the *Commission* that were meant, not those of an examiner, who is a subordinate employee, and whose recommendations, after a review by the Commission, may be, as in this instance they were, rejected. Yet the court below based its reversal of the case, not upon a review of the whole record, including the testimony and exhibits, but apparently upon only the Examiner's seven page "summary" of a 1000-page record.

The court below refers to the use of phonograph records by Station WJKS stating that although "it seeks greater opportunity to furnish broadcasting service to the people of Gary * * *, it even now devotes from two to three hours daily to broadcasting phonograph records." (R. 1141) The innuendo of that statement to the effect that appellant seeks more time for community broadcasts, but now uses its time for phonograph records, is a part of Respondents' brief below, but the *testimony* in the record does not justify it. The record shows that the two-hour period of phonograph records referred to is "from four o'clock in the morning until 6 o'clock" (R. 99), a time which most commercial stations, including Respondent stations (R. 478-522) do not use at all, which under the rules of the Radio Commission is not even included in the "broadcasting day" [2], and which is only used by Station WJKS because of the 24-hour day in the steel mills area (R. 65 and

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[1] The rule is stated in *Sweitzer v. Industrial Ins. Com. of Washington* (Sup. Ct., Wash.), 199 Pac. 724, 725, where the court said:

> "Action is not arbitrary or capricious when exercised honestly and upon due consideration, where there is room for two opinions, however much as it may be believed that an erroneous conclusion was reached."

[2] Rule 87 of Rules and Regulations of Federal Radio Commission (General Order 105, Sec. I) provides: The term "broadcast day" means that period of time between 6 A.M. and 12 midnight, local standard time.

95). Moreover, the testimony shows that WIBO, running a commercial, in contradistinction to a community station, devotes 2½ hours per day (R. 351) to the use of phonograph records, which is more time than WJKS gives to recordation (R. 351 compare 734-750). However, this form of broadcasting is perfectly proper if the records are well selected and used at appropriate times. The testimony shows that the records used by both stations are well selected, that there is a demand for them, and that they are used when other talent is not readily available, or in the case of WJKS when it is inappropriate to put on community programs. (R. 281-2.)

Since the opinion below points out no specific errors of law on the part of the Commission, it certainly should show from an analysis of the record that the Commission's findings are not supported by the testimony.

This was not done, and, we believe it could not be done, because each one of the findings of the Commission is conservative and restrained, and each is amply justified by an abundance of substantial evidence, most of which is not even controverted in the record.[1]

III.

Findings of the Commission Are Supported by Substantial Evidence.

For this Court's convenience, since the record is voluminous, each of the Commission's findings is set out below, with epitomized excerpts from the record to support it.

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[1] In the following cases the findings of the Federal Radio Commission were approved by the court: White v. Fed. Radio Com., 29 F. (2d) 113; Technical Radio Lab. v. Fed. Radio Com., 36 F. (2d) 111; City of New York v. Fed. Radio Com., 36 F. (2d) 115; Havens & Martin Inc. v. Fed. Radio Com., 45 F. (2d) 295; Ansley v. Fed. Radio Com., 46 F. (2d) 600; KFKB Broadcasting Assn. v. Fed. Radio Com., 47 F. (2d) 670; Reading Broadcasting Co. v. Fed. Radio Com., 48 F. (2d) 458; Durham Life Ins. Co. v. Fed. Radio Com., 55 F. (2d) 537; Pac. Dev. Radio Co. v. Fed. Radio Com., 55 F. (2d) 540; Strawbridge & Clothier v. Fed. Radio Com., 57 F. (2d) 434.

The Commission's Finding No. 1 (R. 1130):

The applicant station (WJKS) now renders an excellent public service in the Calumet region and the granting of this application would enable that station to further extend and enlarge upon that service.

Testimony supporting the above finding may be summarized as follows:

Gary is a community of homes, having a population of approximately 110,000 people, but the Calumet region, surrounding the steel mills, along the Lake, has a population of between 800,000 and 1,000,000 people, ninety per cent of whom depend upon the steel industry for a living; sixty per cent are foreigners. Sixty-odd nationalities are in the Calumet region. (R. 63.) WJKS is the only station in Gary. It fits its programs particularly to the needs of this foreign laboring population. The station is a community center (Morrow R. 264; Johnson R. 63, 64; Atlass R. 226).

(A.) *Foreign origin broadcasts.*

WJKS allots certain time weekly (at least one hour each day) for colored, Hungarian, Italian, Mexican, Spanish, German, Russian, Polish, Croatian, Lithuanian, Scotch and Irish talent. (Johnson R. 63, 64.)

Churches, civic clubs, such as Lions, Rotary, Kiwanis, and social workers' organizations, suggested many names to the station from whom a man was chosen as an outstanding American Citizen, who is also an outstanding representative of his particular foreign origin group, to lead each foreign origin broadcast. (Morrow R. 264, 265; Johnson R. 64.) Mr. Menczynski, Commissioner of Public Safety, and his wife, a former opera singer, are in charge of the Polish programs. (Morrow R. 265, 266.)

The Mexican broadcasts are in charge of Senor Rimas, a social worker in the city of Gary among the Mexican people. He picks out talented vocalists and musicians, and arranges the weekly Mexican program.

The German program is handled by a practising physician, who has organized musical clubs among the German people in the Calumet region and selects the most talented to broadcast.

The Hungarian group is known as the Vagabond Gypsies. They are all real Magyars, who play nothing but the unusual Hungarian instruments.

The Italian program is directed by Louis Vacirca, a civic leader among the Italians.

Irish and Scotch leaders present travelogue programs with music and stories from the countries discussed.

The Slavish people, Croatians, Czechs, Slavonians, and Lithuanians, appear on alternating half hours at Sunday afternoon broadcasts, giving without accompaniment choir singing and chants, in which they excel.

All of these foreign leaders are working people, well known in the Calumet region in their respective racial groups. They act as radio leaders of their nationals as a civic contribution. None are professionals (Morrow R. 264-7; Johnson R. 64).

The purpose of these programs is to entertain, to stimulate community and racial origin pride, to instruct in citizenship and American community ideals and responsibilities (Johnson R. 64). They are very much desired and appreciated in the Calumet region (Morrow R. 267). No money is made from such programs. They are a community contribution. (Johnson R. 79.) The station thus dedicates from eight to fourteen hours a week. (Morrow R. 269.) The need for more of this kind of community outlet is so great that the station has made this application for full time in order to allot more hours to this type of broadcast. (Johnson R. 90; Atlass R. 215-216; Morrow R. 269.)

(B.) *Special steel mill accident prevention talks.*

Special safety programs are given under the direction of the Division of Safety Inspection of the Illinois Steel

Company. This is presented for workmen, to explain the application of new safeguards to various types of machinery used in the steel mills. (Morrow R. 269; Johnson R. 73.)

(C.) *Saturday afternoon school children's amateur broadcasts.*

First aid and prevention of accidents to children are taught. The station maintains the William P. Gleason Children's Hour. Teachers from the public schools select the pupils to broadcast speeches, debates, songs or recitations. This broadcast is open and free to all public schools, parochial schools, and music schools throughout the Calumet district. Some Saturdays the station has 150 to 200 children. Demands to enlarge this broadcast are very great. (Morrow R. 269-271; Johnson R. 70-71.)

(D.) *Americanization programs.*

The station broadcasts good citizenship talks weekly by judges and civic leaders. (Johnson R. 79; Morrow R. 264.)

(E.) *Community activities are supported.*

Gary has no community chest, so WJKS gives free time to every fraternal, Christmas basket, Salvation Army and charity enterprise. WJKS collected sufficient money to furnish milk for the poor people of the community. Radio Chapel hour is held at noon every day, and the Elks Toast and chimes are presented every night. (Johnson R. 75.) Programs are presented by and for various communities of the Calumet area other than Gary. (R. 89.)

(F.) *Learn-to-speak English programs.*

An elementary course in the rudiments of English is given over the air. The same text book is used for beginners in Gary Public Schools. The teachers encourage chil-

dren to have parents utilize this radio instruction and report whether the parents try to speak English to the children at home. There is a great demand for more of this type of program. (Morrow R. 262-263; Johnson R. 69.) If the station secures full time, this program will be extended to three periods daily so that it will reach all the people on all three "shifts" at the mills. (R. 216.)

(G.) *Police cooperation.*

The Police Department uses the station frequently. Robbers have been apprehended and lost children found. In 1929 WJKS equipped 21 of the police cars of Gary with radios without expense to the Police Department. (Johnson R. 73-74.)

(H.) *WJKS needs full time to serve properly the Calumet district.*

The station has been operated for the benefit of the community. (Johnson R. 88, 89; Morrow R. 272.) Its purpose in applying for full time is to give "greater accommodation for our people". (Johnson R. 90.) WJKS is the *only* station licensed by the Federal Radio Commission, located in Indiana, with sufficient power to serve any substantial portion of the Calumet district with excellent or good service. (Ring R. 111, Falknor R. 165; Petr. Exhibit 2, R. 443.)

Chicago stations come into the Calumet region with chain or amusement programs, but none of them has any community features like WJKS. (Johnson R. 79.) *Because in Gary there is a full 24 hour working day, with three shifts, WJKS must have full time to be effective in reaching each of the three shifts with Americanization, educational and entertainment programs.* (Atlass R. 215.) WJKS has no chain programs. Its purpose is to develop further the policy of local community service to meet the conditions in that area. (R. 216.)

All of the above testimony stands in the record uncontroverted in any way.

The Commission's Finding No. 2 (R. 1130):

The deletion of stations WIBO and WPCC would not deprive the persons within the service areas of those stations of any type of programs not now received from other stations.

The above finding is supported by the following testimony:

The programs of WIBO are duplicated[1] by not less than 10 other Chicago stations whose service areas inclose that of WIBO, and seven other Chicago stations whose service areas partly overlap that of WIBO. (Ring R. 108-109.) In attempting to show a special public service, WIBO set forth in the record a large number of National Broadcasting programs. However, witness Russell, Vice-President of National Broadcasting Company, admitted that WGN, a clear channel, full time station in Chicago was available for National Broadcasting programs, and that if WIBO were removed from the Chicago territory there would still be six stations of like or greater power serving the same territory from which National Broadcasting Company could lease time. (R. 375.) The same programs given by the "Chicago American" over WIBO are also presented by stations WGN, WBBM, KYW, and WMAQ. (Rec. 206, 207.)

The religious broadcast by WPCC is wholly dependent upon Reverend O'Hair. The station is governed by nothing other than his desires and his personal religious con-

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[1] The following table shows the use (hours monthly) made of the broadcast facilities in the Chicago area and the effect of granting the application of WJKS (R. 183, 184).

	Before granting WJKS application	After granting WJKS application	Loss in Chicago area
Entertainment	3,599.44	3,239.4	360.04
Religious	418.18	343.1	75.08
Agricultural	272.8	272.8	none
Educational	557.1	557.1	none

victions. His is an independent church, not connected with any regular denomination. (O'Hair, R. 150-1.) He allows it to be used by no other denomination. He appeals for money over the air, the use of which he absolutely controls. It is not held in trust, and he is not under bond. (R. 150-153.)

WMBI, the Moody Bible Institute Station in Chicago, broadcasts exclusively religious programs, and WMAW gives 37 hours per month of religious broadcasting. (R. 154, 155.)

All of this testimony was furnished by the Commissioner's engineers or by respondents' witnesses.

The Commission's Finding No. 3 (R. 1130):

> **Objectionable interference is now experienced within the service area of WJKS through the operation of other stations on the same and adjacent frequencies.**

Testimony supporting the above finding is as follows:

There is a distinct interference from WFBL in Syracuse. WJKS now serves about two or three miles outside of Gary. Even that is not free from interference. Other stations have been heard to come in. (Johnson R. 68.) There have been many complaints from the public. (Johnson R. 68, 71, 72, 84.)

For a period of over a year, Johnson made inspection trips in the vicinity of Gary and listened on many receiving sets and he always noted bad interference, particularly to the south, southeast and east. (R. 68-69, 95.)

Falknor, expert radio engineer, had observed reception from WJKS in his home about 30 or 35 miles west from Gary for at least a year, and his experience was that the signal was too poor to give good service, not from the signal strength standpoint (volume), but due to heterodyne which was very objectionable. (R. 134, 159, 177-180.) Field

intensity tests made within a radius of approximately 30 miles of WJKS transmitter revealed objectionable interference. Doubling the power would not cure the trouble. (Falknor R. 179.) Tests showed that there was sufficient signal strength to give good reception if interference were not present. **(R. 159.)**

WIBO's engineering expert Craven, said, "I would expect objectionable interference due primarily to heterodyne." (R. 320.)

Witness Atlass testified that he has listened to Station WJKS on receiving sets in Gary at distances of 3 to 4 miles from the transmitter, and the reception of WJKS was interferred with by cross talk and heterodyne. On several occasions he heard the call letters of WFBL in the background. (R. 218.)

The 560 kc. frequency is heard in the Gary District without interference. (R. 95-155, 163-167-8, 357.)

The above facts of good reception in Gary from the 560 kc. frequency, and of cross talk and other interference actually experienced by WJKS on the 1360 kc. frequency *were not disputed by anybody.* But, to cast doubt upon the need of WJKS to change its 1360 kc. frequency to 560 kc., WIBO employed a radio engineering expert named Craven to testify. Commander Craven was qualified as an expert, but he was handicapped in breaking down the testimony relative to interference offered by Falknor, the engineering expert for WJKS, since he (Craven) had never seen any of the stations in question, and had made no actual tests, while Falknor had.

This expert testimony covers many pages of the record, but it may be concisely paraphrased and compared, thus:

Falknor	Craven
1. On March 5th I made an examination of the transmitter of WJKS. The equipment was in good mechanical condition and appeared to be in good electrical condition (R. 134).	Never saw station WJKS. The equipment might be improved. I don't know because I have not seen the equipment. (R. 314)
2. I have been observing WJKS for at least a year. On March 4th and 5th I made observations for the specific purpose of determining the extent of the heterodyne. It was extremely bad and was caused by another radio station (R. 134). On April 20th and 21st I made observations on the 30 mile circumference of a circle with WJKS as the center. There was annoying interference on all points (R. 159).	I have not observed WJKS. I would expect objectionable interference due primarily to heterodyne with WFBL (Syracuse) (R. 320).
3. I used a field strength measuring set of a special type (heretofore described) (R. 169, 170).	I do not know the equipment used by Mr. Falknor in taking the measurements of field strength. It may be accurate and it may not be. *I can give some presumptions but no facts* (R. 313, 314).
4. I made my determination of what I can actually hear on the receiver, which is, after	It all comes down to the ability of the human ear to discern the amount and the character of interfer-

all, the criterion (R. 171).

ence, and to judge the acceptability or objectionable features of it (R. 306). I consider it objectionable when there is cross-talk, heterodyne, a flutter present to a noticeable or marked degree, and interfering markedly with the program (R. 307).

If I can listen to the interference I can say whether or not it is objectionable to my ear, according to my personal taste, and whether the interference is due to cross-talk, heterodyne or flutter (R. 317).

Any person could determine whether there was interference and the character of that interference and whether it was loud or faint. All I am trying to say is that if you do have field strength measurements of some degree of accuracy you can evaluate and state with more precision the degree of interference (R. 322).

If the public makes objection it indicates a much greater volume of interference before they objected than in the case of an engineer (R. 324).

It is plain that *no actual* difference was developed between the expert witness Falknor for WJKS (who saw

the station and measured the interference), and the expert witness Craven for WIBO (who had no contact whatever with any of the stations). Only the most theoretical testimony was given by the latter in an effort to rebut the statements of the former, and the worthlessness of it was summed up by Mr. Craven himself in the words, "I can give some presumptions but no facts." (R. 314.)

Surely, the Commission is not arbitrary and capricious in basing its findings on the ear experience, and the results of actual tests, instead of the expert opinion hypothetical rebuttal!

The Commission's Finding No. 4 (R. 1130):

> **The granting of this application and deletion of stations WIBO and WPCC would not increase interference within the good service areas of any other stations.**

Testimony supporting the above finding is as follows:

Witness Higgy on behalf of WEAO, Columbus, Ohio, testified that should WJKS operate on 560 kc., WEAO would expect interference *only* in that area located between 120 and 140 miles from WEAO's transmitter, and that WEAO would still have a service area of 120 miles. (R. 61.) The good service area of a 750 watt station is limited to 25-35 miles. (R. 117, 135, 442.) This possible interference which WEAO suggested lies, therefore, far beyond that area in which good service from the Columbus station might be expected.

The Commission's engineer, Ring, testified (R. 117):

> "Moving the assignment (560 kc.) from the location of WIBO to that of WJKS would, by my record, be a move of approximately 30 miles southeast. The distance from Gary to Columbus station WEAO (operating on 570 kc.), is 250 miles. A change of 30 miles in 250 cannot of itself be said to be sufficient to def-

initely determine that interference would be increased."

This testimony stands undisputed in the record.

The Commission's Finding No. 5 (R. 1130):

> **The granting of this application and deletion of stations WIBO and WPCC would work a more equitable distribution of broadcasting facilities within the Fourth Zone, in that there would be an increase in the radio broadcasting facilities of Indiana which is now assigned less than its share of such facilities and a decrease in the radio broadcasting facilities of Illinois which is now assigned more than its share of such facilities.**

Testimony supporting the above finding is as follows:

Indiana is the most under-quota of any State in the Fourth Zone. It is 20 per cent under-quota. (R. 108.) Illinois is the most over-quota State in the Fourth Zone. (R. 386.) It is 49 per cent over-quota (R. 111, 386), and in units is the most over-quota State in the entire United States. (R. 1076-1078.)

There is no one single full time regional or clear channel station in the whole State of Indiana. (Ring R. 108.) The total power assigned to *all* stations in Indiana does not equal that of any one of five separate Chicago stations. (Ring R. 111.)

In other words, Illinois has more facilities above its rightful quota than all the facilities of every kind granted to the State of Indiana.

The Commission's engineers Ring and Greaves testified that the effect of granting this application would be to bring Indiana closer to the number of quota units due that State, and to reduce Illinois closer to the number of quota units due it; in other words, it would be an "allocation" in the direction of equalization. (R. 113, 382.)

None of this testimony is disputed.

The Commission's Finding No. 6 (R. 1130):

Public interest, convenience and/or necessity would be served by the granting, of this application.

The above finding is supported not only by *all* the evidence heretofore summarized, but by the following considerations as well:

The time for which WJKS is licensed on 1360 kc. is:

6 or 7 a. m. to 8:30 a. m
11 a. m. to 4 p. m.
7 a. m. to 8 p. m
10:30 p. m. to 12 p. m.

The above hours are too broken up to serve the public convenience as a regional station should, in a region like Gary, where in normal times the steel mills operate continuously throughout the entire 24 hours. (Johnson R. 65.)

Quoting from Johnson's testimony (R. 101):

> Q. What specific demand for programs have you had that you propose to put on at that period (8:30 to 12:30 a. m.)?
>
> A. We had demands from the workers who are relieved from the steel mills at 8 o'clock in the morning. They go home and have their supper when we are eating our breakfast; but there is no entertainment from that time on till 12:30 from our station, for them.

WJKS will establish a 24-hour service featuring the community and entertainment programs so desired by the Calumet area. Application has been made to install duplicate equipment for this purpose. (R. 215, 225, 230.) There are now requests for community broadcasting from other communities in the Calumet area sufficient to utilize the full time. (R. 90.)

The deletion of stations WIBO and WPCC would not deprive the persons within the service area of those stations of any type of program not now received from other

Chicago stations. (R. 108-9, 183-4, 203-4, 206-7, 350, 359, 360, 367, 376, and Exhibits 5 to 26, R. 447 to 661; see also Map Exhibit 1, R. 442, and compare with Maps Exhibits 2 and 3, R. 443, 444.)

The pressing need of WJKS in serving the Calumet area is relief from the interference which it experiences on 1360 kc. This need is plainly stated by witness Johnson in response to a question by the Examiner (R. 71):

> Q. You feel that your principal handicap is your lack of full time, your limited time?
>
> A. No. *Limited time is one of the barriers, but our reception is our greatest one.* With the amount of people in the community we serve, and the local proposition, we should have no interference within a radius of 40 or 50 miles; but we have interference within a radius of 6, 8 or 10 miles, especially on the evening program.

Frequent protests as to this interference were made to the Federal Radio Commission. (R. 63, 83, 84.) The power of the station was doubled in an effort to overcome it. (R. 63). The transmitter is in good mechanical and electrical condition. (R. 134). It is well located. (R. 83.)

If WJKS were allowed to operate on 560 kc. reception would be good, and the interference from which the Calumet district now suffers would be eliminated. (R. 95, 163.)

IV.

The Commission Did Not Act Arbitrarily in Disregarding the Alleged Cost of WIBO.

The court below attached great importance to the view of the Examiner that "the owners and operators of these stations (WIBO and WPCC) have at great cost prepared themselves to exercise their broadcasting privileges * * *" and states that station WIBO has a worth of from five to seven hundred thousand dollars. To refuse renewal of li-

cense in the face of the alleged value of the station will doubtless be emphasized before this court, as an arbitrary act of the Commission.

Since withdrawal of a radio license does not amount to an unconstitutional destruction of a property right (see *American Bond & Mortgage Co. vs. United States,* 52 F. (2d) 318; *Trinity Methodist Church South v. Federal Radio Com.*, 62 F. (2d) 850; and *White v. Federal Radio Com.*, 29 F. (2d) 113) it would seem that the Examiner and the court over emphasized its importance, even if the large sum of $340,000 were the actual cost of the station.

But the record does not support the views of the Examiner on the financial responsibility of Respondent stations.[1]

Since the court below places emphasis on the "total cost of about $346,362.99" alleged as the cost of WIBO which it is claimed will be forfeited by the Commission's ruling, let us examine as far as is possible from the information presented by WIBO what basis there is for this large figure. WIBO was first licensed in 1925. It was owned by Alvin E. Nelson and his brother, individually, who bought out the interests of Russo and Florito for $15,000.00. In 1925 Nelson brothers established Nelson Bros. Bond & Mortgage Co. In 1929 the Nelson Bros. Bond & Mortgage Company, of which Alvin E. Nelson is President and his

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[1] The record shows that:
WIBO is weak from a financial standpoint.
It is not primarily a radio company (R. 397).
It is a first mortgage real estate company (R. 397).
The losses in the bond and mortgage business can absorb all the profits in the radio station (R. 411).
If the real estate business failed, it would involve, if not destroy, the radio station (R. 413, 414).
Although it promised to do so, WIBO did not submit a thorough financial report with details; it only sent, after the hearing was closed, a balance sheet with no details (R. 433, 434, 1134).
The public accountants who prepared the balance sheet "flagged" it as being unsupported (see last sentence in the "certificate" of the balance sheet (R. 1135).
WPCC is also open to attack from a financial standpoint.
It solicits money over the air (R. 149, 153, 156).
No legal trustee has been appointed to handle the funds (R. 153).
Though the funds are solicited for religious and missionary purposes, the solicitation lacks the backing of any organized denomination or trust handling (R. 150).

brother, Vice President, increased their capitalization. The station was transferred by the Nelson brothers to the Nelson Bros. Bond & Mortgage Company. Mr. Nelson did not state the price at which he transferred the station to the Nelson Bros. Bond & Mortgage Company but did say that it included $97,000 franchise, development expense, *and losses* (R. 411). This transfer of WIBO to the Nelson Bros. Bond & Mortgage Company assisted in the sale of stock and bonds (R. 411).

Mr. Nelson could not break down the figures representing the $346,000, at which they carried the station on their balance sheet, explaining them only as "cost" (R. 419), and *promising a certified public accountant's statement breaking them down* (R. 430). But this was not provided. There was submitted a balance sheet as of May 31, 1931, which was certified by Thulin & Company, but with two important qualifications: First, the certification is only to the effect that the balance sheet has been prepared from the books of Nelson Bros. Bond & Mortgage Co., Chicago, Illinois, and is in agreement therewith as of May 31, 1931. This is a most unusual form of certification! In effect it merely states that the balance sheet is in accord with the books. But are the books correct? A purpose of audits is to determine whether the books of a company correctly reflect the transactions and net worth of the company. This was carefully avoided by Thulin & Company, who style themselves "Public Accountants" (R. 1135) not Certified Public Accountants. Second, the certificate is further qualified by the phrase "No appraisal of values having been made by us" (R. 1134). The purpose of a balance sheet is to determine the net worth of a company at a given date. Thulin & Company warns that the balance sheet does not serve that purpose! It is impossible to determine by an examination of the balance sheet the cost or value of any of the items used in connection with the radio station. Read in the light of the second qualification the inadequacy and danger of such a statement becomes apparent. For

example, the largest item of assets, namely "Real Estate and Equipment (depreciation deducted) $756,939.17", indicates such real estate is not being carried at cost, nor at "cost or market, whichever is lower," (which is proper accounting practice) but indicates very clearly that there was an "appreciation" or "write up" of the property. This would be disclosed by a proper detailed audit. The auditing concern's second qualification is a red flag of warning, demanding further inquiry.

The same criticism is equally applicable to the item "Inventory of securities, $302,667.52". Are those securities carried at cost or market, whichever is lower? What kind of securities are they?

The audit fails to disclose whether the mortgages encumbering the real estate are in good standing or whether they are in default. The balance sheet fails to disclose whether the notes and accounts receivable are past due or collectible. The balance sheet fails to disclose whether the notes and accounts receivable have been hypothecated or whether they are free. The item in the balance sheet, "Notes and Accounts Receivable—Net $122,763.06" indicates a strong possibility that the notes and accounts receivable of the company are in a larger sum which have been pledged, and the apparent equity is $122,763.06. Why the use of the word "net" otherwise? The balance sheet fails to disclose whether the inventory of securities is free or pledged. At all events, the agreement to furnish a "certified public accountant's statement of the financial condition of the licensee, Nelson Bros. Bond & Mortgage Company", certainly has not been met by the mere furnishing of a balance sheet so qualified. Appreciation of inventory or assets and the basis of such appreciation would not be disclosed by such carefully limited certification of the balance sheet.

From the documents submitted, it cannot be said that there is any evidence in the record of the financial condition of the Nelson Bros. Bond & Mortgage Co., nor can it

be said that there has been any justification for respondents' claim that the radio station WIBO represents an actual cost or investment of $346,000!

The Mortgage Company has its broadcasting station on a 20-acre plot of ground, but the use of twenty acres cannot remotely be charged to the operation of the radio station, nor can it be argued, even inferentially, that any act of the Radio Commission has destroyed the value of the land. On the contrary the Radio Commission may well have considered the financially mixed conditions of this station with the bond and mortgage business as weighing against its claims to public service.

In *KFKB Broadcasting Ass'n., Inc. v. Federal Radio Commission,* 47 Fed. (2d) 670, where the station was run in connection with a hospital and pharmaceutical business, the court observed (p. 672):

> "When Congress provided that the question whether a license should be issued or renewed should be dependent upon a finding of public interest, convenience, or necessity, it very evidently had in mind that broadcasting should not be a mere adjunct of a particular business but should be of a public character."

The tests laid down in paragraph (d) of the 1930 Act (Appendix, p. F) to measure the correctness of the Commission's findings are that—

(a) the reviewing court must base its action on appeal "*upon the record*" and
(b) the findings of fact are conclusive if supported by substantial evidence—*unless* it shall clearly appear that the findings of the Commission are arbitrary or capricious.

From an analysis of the record no doubt can remain that the Commission's findings *are* supported by substantial evidence. So they must be conclusive, *unless* it *clearly ap-*

pears that they are arbitrary or capricious. We take it that from the way the statute is worded, even if the Commission had acted upon substantial evidence, still, if it acted arbitrarily, the Court might reverse its findings. But to do so the arbitrariness must "clearly appear". In what does it clearly appear in this case? The court below does not say. The record does not reveal it. And *what* would have to "clearly appear" to reveal an arbitrary or capricious action?

Now, "arbitrary" is defined in Webster's New International Dictionary as:

Depending on will or discretion; not governed by any fixed rules or standard; discretionary; despotic, absolute in power; bound by no law; tyrannical. Syn. absolute, capricious, irresponsible.

"Capricious" is defined by the same authority as: Characterized by lively exercise of fancy, wit, or invention; fanciful; fantastic; humorous, as governed or characterized by caprice, apt to change suddenly; freakish; whimsical; humorsome; changeable; of things changeable; irregular; changing apparently without regard to any laws. Syn: freakish, whimsical, fickle, crotchety, fitful, wayward, changeable, unsteady, inconstant, arbitrary.

Turning to the law books, we find that the term is not to be found in Bouvier's Law Directory. But it has been defined in a few cases.

In *Boyle v. Rock Island Coal Mining Co.*, 125 Okla. 137, 256 Pac. 883, the court said:

> "Arbitrariness consists in conduct or acts based alone upon one's will, and not upon any course of reasoning and exercise of judgment. If the matter, thing, or practice calling for the exercise of authority is one involving a controversy about which reasonable and experienced men differ, the authority exercised on either side of the controversy could not be said to be arbitrary."

Again, in *Sweitzer v. Industrial Ins. Commission,* 116 Wash. 398, 199 Pac. 724, the test is given as follows:

> "For action of the Industrial Insurance Commission, as to compensation for injury to an employe, to be 'arbitrary or capricious' relative to right of review, it must be willful and unreasoning, without consideration, and in disregard of the facts and circumstances of the case; and when exercised honestly and on due consideration, and there is room for two opinions, it is not enough that it may be believed that an erroneous conclusion was reached."

In *United States v. Lotempio* (D. C. N. Y.), 58 F. (2) 358, 360, we find:

> "Arbitrarily" is defined as meaning "without fair, solid, and substantial cause"; that is, without cause based upon the law.

And in *King v. Falls County,* 42 S. W. (2d) (Texas) 481, 482, the court says:

> "Arbitrarily" means in an arbitrary manner, and "arbitrary" means: Fixed or done capriciously or at pleasure; without adequate determining principle; not founded in the nature of things; nonrational; not done or acting according to reason or judgment; depending on the will alone; absolutely in power; capriciously; tyrannical; despotic.

By process of elimination we must conclude that the court below did not decide that the Commission's action was arbitrary because it was "without regard to any law," because the court pointed out no error of law. It appears, too, that the findings of the Commission are "not manifestly against the evidence." (*KFKB Broadcasting Ass'n., Inc. v. Federal Radio Commission,* 47 F. (2d) 670). So, all that remains as a cause for the capricious and arbitrary charge is that the Commission acted "tyranically," despotically," or evidenced personal hatred or bias.

None of these can possibly be found, much less be said to "clearly appear" from the record, particularly in view of the fact that two of the five appellate Judges fully agreed with the Commission's conclusions on the facts submitted.

The conclusion seems to follow that the court below has, in reviewing this case, unfortunately slipped back into its practices under the old act, wherein the power confided to the Commission respecting the granting or refusing of radio licenses was held to be purely administrative and the provisions for appeal to the Court of Appeals did no more than make that court a superior and revising agency in the same field, allowing it to substitute its findings for those of the Commission.

Since the amendment of the Radio Act in 1930, the court must review the case on the record judicially, not administratively. It cannot substitute its findings for those of the Commission.

V.

Cases Relied Upon by Court Below Are Not Controlling Here.

As one of the grounds for its decision, the court below held that it would not be consistent with the legislative policy to equalize the broadcasting facilities of the various states or zones by unnecessarily injuring stations already established which are rendering valuable service. In support of this holding the court cited its prior decisions in *Reading Broadcasting Co. v. Fed. Radio Com.*, 48 F. (2d) 458; *Chicago Fed. of Labor v. Fed. Radio Comm.*, 41 F. (2d) 422; *Strawbridge & Clothier v. Fed. Radio Comm.*, 57 F. (2d) 434.

We submit that these cases are readily distinguishable from the instant cases.

In *Reading Broadcasting Co. v. Fed. Radio Comm.*, the applicant, a station at Reading, Pennsylvania, and admittedly rendering good local service, applied for a permit to install a new transmitter, to increase its frequency and

for unlimited time *which would have changed it from a local to a regional station.* While this station was located in an under-quota state, the Commission found that its service could be improved by equipment adjustments and that the granting of the application would injuriously affect other stations, resulting in a loss rather than a gain of service to that and other localities. It would have meant a further disturbance of an already congested condition in the broadcasting field without a corresponding benefit to the public. The court approved the finding of the Commission and held that, under the foregoing circumstances, the Davis Amendment would not demand the granting of an application which would result in a loss to the broadcasting service, for under such circumstances the public interest would not require it. The case is without application to the facts in the instant cases.

In *Chicago Fed. of Labor v. Fed. Radio Comm., supra,* a station near Chicago, Illinois, applied for an increase of its broadcasting facilities, which would have advanced it from a regional to a clear-channel station. The Davis Amendment was not directly involved, but the opinion shows that the court recognized the over-quota conditions prevailing in the Chicago Area *in which the applicant station was located,* the court holding that in view of the fact that the Fourth Zone already enjoyed more than its proportionate share of clear channels, the result would be no improvement for the listening public. The court left the three stations in the possession of the privileges they theretofore enjoyed, a course which had been adopted by the Commission. The case cannot be regarded as authority for the decision in the instant cases.

In *Strawbridge & Clothier v. Fed. Radio Comm., supra,* a Philadelphia station made application for an increase in its power. The Commission found that the City of Philadelphia and surrounding area was already receiving a good

broadcasting service, that the granting of the application would result in objectionable interference with other stations and that the public interest, convenience and necessity would not be served thereby. The applicant insisted that since it was located in an under-quota State in an under-quota zone it was the duty of the Commission, under the Davis Amendment, to require other stations to reduce their power so as to avoid interference. The court, in affirming the order of the Commission, held that the applicant had entirely failed to carry the burden of proof that the reduction of power of the other stations would be for the public interest, convenience and necessity.

This case, we contend, makes for rather than against our position. The court affirmed the validity of General Order No. 102 and recognized that, in a proper case, an applicant from an under-quota State in an under-quota zone may apply for facilities in use in an over-quota State in that zone. The opinion holds that this Order places upon the applicant the burden of proving that it would be for the public interest, convenience or necessity, to reduce the power of one station for the benefit of another, and that "many elements must be considered in the determination of that question."

Petitioner submits that it has met this burden in these cases and has presented elements which warranted the granting of its application.

VI.

The Court Erred in Failing to Follow Applicable Principles Announced in Its Prior Decisions.

Not only did the court rely upon cases not controlling here, but it failed to apply to the facts in the instant cases the principles established by its prior decisions in the construction and application of the Davis Amendment and General Orders 92 and 102.

In *Durham Life Insurance Co. v. Federal Radio Commission*, 55 F. (2d) 537, a broadcasting station in Raleigh, North Carolina, applied for an increase in power and for the installation of new equipment. While it appeared that the station was meritorious, that the additional facilities would permit more extended and reliable service and would not result in serious interference with existing stations, the Commission found that the granting of the application would work a violation of the Davis Amendment, in that there would result an increase in the radio broadcasting facilities of a zone which then enjoyed more than its share of such facilities, and that, although the State of North Carolina then had less than its share of radio broadcasting facilities, if the application were granted a violation of the Act would result, in that the State would thereby be assigned more than its share of such facilities. The Court quoted from the Commission's finding as follows (p. 539):

> "Section 9 of the act as amended, is the basis for the quota system and its provisions are mandatory upon the commission to 'make and maintain an equal allocation' of broadcasting facilities. The section indirectly prohibits grants of facilities, the effect of which would be unequal allocation. In effect the Commission declared in General Order 92 that in the present state of the radio art the country had reached its approximate saturation point, possessing the maximum available broadcasting facilities, and that the problem was the distribution of such facilities as required by the standard of public interest and section 9 of the act, as amended.
>
> It is conceivable that remote instances may occur where the denial of the use of a facility, for reasons based upon the quota figures, may apparently seem arbitrary. In many of such instances, however, the particular facility may be used in another locality where it would tend toward an equitable distribution as required by the act. And in the great majority of cases the ultimate result is to make possible a better radio service by equality in distribution of facilities. In

any event the Congress has issued its mandate and these and similar orders of the Commission are merely for the purpose of carrying that rule into effect."

In affirming the Commission's order in denying the application, the court said (p. 540):

> "It is true that the increase of power requested by appellant would subserve the public convenience and interest of the people residing in the additional area which would be better served thereby. But the Commission must take into consideration the public convenience, interest, and necessity of the radio service of the entire country, of which appellant's station and its service area are but a part. Congress has found it necessary to formulate general rules to govern the exercise of this authority. Accordingly, in the Davis Amendment it has provided that as far as possible an absolute equality of broadcasting facilities is to be divided between the respective zones, and that each zone's facilities shall be divided among the states composing it according to population. The Commission is required to carry this equality into effect whenever necessary or proper, by increasing or decreasing station power when applications are made for licenses or renewals of licenses. This provision plainly includes the authority similarly to deny an increase of power when applied for by a station. General Orders 92 and 102 are valid regulations within the terms of the Davis Amendment, and the Commission's denial of appellant's application is justified thereby."

The Court affirmed the constitutionality of the Davis Amendment and the regulations made thereunder and, concluded as follows (p. 540):

> "The decision of the Commission is not arbitrary or capricious. The number of radio stations already operating in this country is so great that a faithful compliance with the restrictive regulations relating to the establishment of new stations, or the increase of the power of existing ones, is necessary to avoid confusion.

At times this may seem harsh in individual cases, but it is conducive to public interest, convenience, and necessity, when the broadcasting system of the country is considered as an entirety." (Italics supplied.)

In *WHB Broadcasting Co. v. Federal Radio Commission,* 56 F. (2d) 311, essentially the same questions were involved. A station likewise applied for additional time and the Commission found that, while the station was rendering a good service, it did not appear that the assignment of additional power would enable it to render better service; that the area in which the station was located was then receiving good broadcasting service, and that the granting of the application would result in an increase of broadcasting facilities in a State and zone then enjoying more than their share of such facilities. The order of the Commission was affirmed on the authority of *Durham Life Ins. Co. case. supra,* the court saying (p. 312):

> "Under the so-called Davis Amendment (45 Stat. 373) the Commission must consider the public interest, convenience, or necessity of the radio service of the entire country. That amendment requires the Commission, so far as possible, to establish and maintain an equality of radio broadcasting service among the different zones and among the states within those zones, according to population. (Durham Life Insurance Company v. Federal Radio Commission.) It is apparent, therefore, that, as found by the Commission, the granting of appellant's application would work a violation of the so-called Davis Amendment. * * *"

(See also *Strawbridge & Clothier v. Federal Radio Commission, supra; Pacific Development Radio Co. v. Fed. Radio Com.,* 55 F. (2d) 540.)

While these cases involve a negative, as distinguished from an affirmative, application of the equalization provisions of the Davis Amendment, there is no distinction in principle. They affirm the constitutionality of the Davis Amendment and the validity of General Orders 92 and 102

as reasonable regulations thereunder to enable the Commission to carry out the requirements of the Act that it shall establish and maintain, in so far as possible, both an absolute equality of radio broadcasting among the different zones and an allocation of stations within the states of those zones according to population.

It is under the principles announced in these cases that the petitioner contends the order of the Commission granting its application should have been affirmed.

CONCLUSION.

It is respectfully submitted that the record in these cases amply supports the unanimous findings of the Federal Radio Commission, and that the decision of the court below rests upon an erroneous interpretation of the Davis Amendment—an interpretation inconsistent with its prior decisions, and should, therefore, be reversed.

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March, 1933.

APPENDIX.

The Radio Act of 1927, c. 169, 44 Stat. 1162, provides, in part, as follows:

> That this Act is intended to regulate all forms of interstate and foreign radio transmissions and communications within the United States, its Territories and possessions; to maintain the control of the United States over all the channels of interstate and foreign radio transmission; and to provide for the use of such channels, but not the ownership thereof, by individuals, firms, or corporations, for limited periods of time, under licenses granted by Federal authority, and no such license shall be construed to create any right, beyond the terms, conditions, and periods of the license. That no person, firm, company, or corporation shall use or operate any apparatus for the transmission of energy or communications or signals by radio (a) from one place in any Territory or possession of the United States or in the District of Columbia to another place in the same Territory, possession, or District; or (b) from any State, Territory, or possession of the United States, or from the District of Columbia to any other State, Territory, or possession of the United States; or (c) from any place in any State, Territory, or possession of the United States, or in the District of Columbia, to any place in any foreign country or to any vessel; or (d) within any State when the effects of such use extend beyond the borders of said State, or when interference is caused by such use or operation with the transmission of such energy, communications, or signals from within said State to any place beyond its borders, or from any place beyond its borders to any place within said State, or with the transmission or reception of such energy, communications, or signals from and/or to places beyond the borders of said State; or (e) upon any vessel of the United States; or (f) upon any aircraft or other mobile stations within the United States, except under and in accordance with this Act and with a license in that behalf granted under the provisions of this Act.

SEC. 2. For the purposes of this Act, the United States is divided into five zones, as follows: * * *; the fourth zone shall embrace the States of Indiana, Illinois, * * *.

SEC. 3. That a commission is hereby created and established to be known as the Federal Radio Commission * * *.

SEC. 4. Except as otherwise provided in this Act, the commission, from time to time, as public convenience, interest, or necessity requires, shall—

(a) Classify radio stations;

(b) Prescribe the nature of the service to be rendered by each class of licensed stations and each station within any class;

(c) Assign bands of frequencies or wave lengths to the various classes of stations, and assign frequencies or wave lengths for each individual station and determine the power which each station shall use and the time during which it may operate;

(d) Determine the location of classes of stations or individual stations;

(e) Regulate the kind of apparatus to be used with respect to its external effects and the purity and sharpness of the emissions from each station and from the apparatus therein;

(f) Make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations and to carry out the provisions of this Act: *Provided, however,* that changes in the wave lengths, authorized power, in the character of emitted signals, or in the times of operation of any station, shall not be made without the consent of the station licensee unless, in the judgment of the commission, such changes will promote public convenience or interest or will serve public necessity or the provisions of this Act will be more fully complied with;

(g) Have authority to establish areas or zones to be served by any station;

(h) Have authority to make special regulations applicable to radio stations engaged in chain broadcasting;

(i) Have authority to make general rules and regulations requiring stations to keep such records of pro-

grams, transmissions of energy, communications, or signals as it may deem desirable;

* * * * * * * * *

SEC. 9. The licensing authority, if public convenience, interest, or necessity will be served thereby, subject to the limitations of this Act, shall grant to any applicant therefor a station license provided for by this Act.

In considering applications for licenses and renewals of licenses, when and in so far as there is a demand for the same, the licensing authority shall make such a distribution of licenses, bands of frequency of wave lengths, periods of time for operation, and of power among the different States and communities as to give fair, efficient, and equitable radio service to each of the same.

* * * * * * * * *

SEC. 11. If upon examination of any application for a station license or for the renewal or modification of a station license the licensing authority shall determine that public interest, convenience, or necessity would be served by the granting thereof, it shall authorize the issuance, renewal, or modification thereof in accordance with said finding. In the event the licensing authority upon examination of any such application does not reach such decision with respect thereto, it shall notify the applicant thereof, shall fix and give notice of a time and place for hearing thereon, and shall afford such applicant an opportunity to be heard under such rules and regulations as it may prescribe.

Such station licenses as the licensing authority may grant shall be in such general form as it may prescribe, but each license shall contain, in addition to other provisions, a statement of the following conditions to which such license shall be subject;

(a) The station license shall not vest in the licenses any right to operate the station nor any right in the use of the frequencies or wave length designated in the license beyond the term thereof nor in any other manner than authorized therein.

* * * * * * * * *

SEC. 16. Any applicant for a construction permit, for a station license, or for the renewal or modification of an existing station license whose application is refused by the licensing authority shall have the right to appeal from said decision to the Court of Appeals of the District of Columbia; and any licensee whose license is revoked by the commission shall have the right to appeal from such decision of revocation to said Court of Appeals of the District of Columbia or to the district court of the United States in which the apparatus licensed is operated, by filing with said court, within twenty days after the decision complained of is effective, notice in writing of said appeal and of the reasons therefor.

The licensing authority from whose decision an appeal is taken shall be notified of said appeal by service upon it, prior to the filing thereof, of a certified copy of said appeal and of the reasons therefor. Within twenty days after the filing of said appeal the licensing authority shall file with the court the originals or certified copies of all papers and evidence presented to it upon the original application for a permit or license or in the hearing upon said order of revocation, and also a like copy of its decision thereon and a full statement in writing of the facts and the grounds for its decision as found and given by it. Within twenty days after the filing of said statement by the licensing authority either party may give notice to the court of his desire to adduce additional evidence. Said notice shall be in the form of a verified petition stating the nature and character of said additional evidence, and the court may thereupon order such evidence to be taken in such manner and upon such terms and conditions as it may deem proper.

At the earliest convenient time the court shall hear, review, and determine the appeal upon said record and evidence, and may alter or refuse the decision appealed from and enter such judgment as to it may seem just. The revision by the court shall be confined to the points set forth in the reasons of appeal.

The Act of March 28, 1928, c. 263, 45 Stat. 373, provides, in part:

SEC. 5. The second paragraph of section 9 of the Radio Act of 1927 is amended to read as follows:

"It is hereby declared that the people of all the zones established by section 2 of this Act are entitled to equality of radio broadcasting service, both of transmission and of reception, and in order to provide said equality the licensing authority shall be nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power, to each of said zones when and in so far as there are applications therefor; and shall make a fair and equitable allocation of licenses, wave lengths, time for operation, and station power to each of the States, the District of Columbia, the Territories and possessions of the United States within each zone, according to population. The licensing authority shall carry into effect the equality of broadcasting service hereinbefore directed, whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewals of licenses; *Provided*, That if and when there is a lack of applications from any zone for the proportionate share of licenses, wave lengths, time of operation, or station power to which such zone is entitled, the licensing authority may issue licenses for the balance of the proportion not applied for from any zone, to applicants from other zones for a temporary period of ninety days each, and shall specifically designate that said apportionment is only for said temporary period. Allocations shall be charged to the State, District, Territory, or possession wherein the studio of the station is located and not where the transmitter is located."

The Act of July 1, 1930, c. 788, 46 Stat. 844, amending Section 16 of the Radio Act of 1927, declares, in part:

SEC. 16 (a) An appeal may be taken, in the manner hereinafter provided, from decisions of the commission to the Court of Appeals of the District of Columbia in any of the following cases:

(1) By any applicant for a station license, or for renewal of an existing station license, or for modification of an existing station license, whose application is refused by the commission.

(2) By any licensee whose license is revoked, modified, or suspended by the commission.

(3) By any other person, firm, or corporation aggrieved or whose interests are adversely affected by any decision of the commission granting or refusing any such application or by any decision of the commission revoking, modifying or suspending an existing station license.

* * * * * * * * *

(d) At the earliest convenient time the court shall hear and determine the appeal upon the record before it, and shall have power, upon such record, to enter a judgment affirming or reversing the decision of the commission, and, in event the court shall render a decision and enter an order reversing the decision of the commission, it shall remand the case to the commission to carry out the judgment of the court: *Provided, however,* That the review by the court shall be limited to questions of law and that findings of fact by the commission, if supported by substantial evidence, shall be conclusive unless it shall clearly appear that the findings of the commission are arbitrary or capricious. The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under section 347 of Title 28 of the Judicial Code by appellant, by the commission, or by any interested party intervening in the appeal.

U. S. C. Sup. VI, Title 47, Sec. 96 (a) (1), (d).

General Order No. 92, adopted June 17, 1930, provides, in part, as follows:

Whereas, the Act of Congress approved March 28, 1928, entitled "An Act continuing for One Year the Powers and Authority of the Federal Radio Commission under the Radio Act of 1927, and for other Pur-

poses," provides and declares that "The people of all the zones established by section 2 of this Act (Radio Act of 1927) are entitled to equality of radio broadcasting service, both of transmission and of reception," and

Whereas, said Act approved March 28, 1928, above referred to, also provides and requires that "in order to provide said equality the licensing authority shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power," and

Whereas, It was the intent and purpose of Congress to secure an equal distribution of radio broadcasting service, both of transmission and of reception between the five zones aforesaid, and

Whereas, it is necessary, in order to make and maintain such equal allocation between said five zones and fairly and equitably between the states within each of the zones, that the Commission determine the value of stations of various classes or of various powers in effecting such allocation, and

Whereas, the Commission has sought and obtained the best advice and information available and has given much time to an intensive study to such values of stations of various powers, and

Whereas, the Commission, through its engineers and from studies made by the Commission has considered all the elements required by Congress to be considered, and has allowed the paramount intent and purpose of the Act of March 28, 1928, above referred to, to control, *i. e.*, "that the people of all the zones * * * are entitled to equality of radio broadcasting service, both of transmission and of reception," and

Whereas, it has been found that, according to the broadcasting service rendered to the people of each zone and of the states within each zone by stations of various classes, both of transmission and of reception, each class of station is of the following value in units, to-wit:

(The classes of stations and the value in units given to each are here omitted. They appear at pages 1070-1072 of the Record.)

For stations dividing time on the same frequency the value assigned will be in proportion to the time assigned.

It is therefore

Ordered that the values of radio broadcasting stations of the various classes, powers and time of operation be and they are hereby fixed in units as above set forth, and

It is further ordered that each of the five zones created by Section 2 of the Radio Act of 1927 shall each have broadcasting stations the total value in units of which shall be equal, and shall be fairly and equitably distributed among and allocated to the states within each of said zones in proportion to the population each of said states bears to the population of the zone, and that the quota of broadcasting facilities to which each state is entitled shall be determined and fixed as herein provided and in accordance with values in units for various classes of stations above set out.

General Order No. 102, effective January 8, 1931, provides:

Whereas, under the unit and quota figures adopted by the Commission, the First and Second Zones are under-quota and the remaining three zones are over-quota;

And whereas, there are a number of states that are over-quota and a number of states that are under-quota;

And whereas, there is now pending before the Commission a number of applications from under-quota states which, under the law, are entitled to their pro rata share of radio facilities;

Therefore, in order to bring about an equalization of these radio facilities among the states in the zones, the Commission adopts the following with reference to applications:

1. Where a zone has already in use its pro rata share of facilities, the Commission will not allocate any further radio facilities to that zone, which would increase its quota.

2. Applications from under-quota states in zones which have already allocated to them their pro rata share of radio facilities should be for a facility already in use in that zone by an over-quota state.

3. Likewise, where a state is already over-quota, the Commission will not allocate any further radio facilities to that state, which would increase its quota.

4. Applications from states which now have their quotas, or from states which are over quota, should be for facilities already in use in that state.

5. An applicant from an under-quota state in an under-quota zone may apply either for facilities in use in an over-quota state in that zone or an over-quota state is an over-quota zone.

The further questions of kilocycle and mileage separations should also be considered by an applicant in selecting the frequency to be applied for.

Since the Commission has classified stations in accordance with power into three classes, namely, clear channel, regional, and local stations, and has allocated certain frequencies for the use of each of these three classes of stations, applications should be for frequencies set aside by the Commission for the character of station applied for.

All applications now pending before the Commission which have not been heard or designated for hearing by the Commission may be amended by the applicants to conform to this Order.

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Supreme Court of the United States.

Nos. 657, 658, 659 and 660.

OCTOBER TERM, 1932.

FEDERAL RADIO COMMISSION AND JOHNSON-KENNEDY RADIO CORPORATION (Station WJKS), *Petitioners,*

vs.

NELSON BROTHERS BOND & MORTGAGE COMPANY (Station WIBO), *Respondent.*

FEDERAL RADIO COMMISSION AND JOHNSON-KENNEDY RADIO CORPORATION (Station WJKS), *Petitioners,*

vs.

NORTH SHORE CHURCH (Station WPCC), *Respondent.*

ON PETITION FOR WRITS OF CERTIORARI TO THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA.

BRIEF FOR THE RESPONDENTS IN OPPOSITION.

OPINION BELOW.

The opinion of the Court of Appeals of the District of Columbia (R. 1138-1147) is not yet reported.

JURISDICTION.

The petition, on behalf of the Federal Radio Commission, invokes jurisdiction of this Court on the ground that the Court of Appeals of the District of Columbia "reversed an order of the Federal Radio Commission refusing to renew the respondents' broadcasting licenses and granting the application of a third station for the use of the frequency now assigned to the respondents." The record (R. 46) shows that it was petitioner Johnson-Kennedy Radio Corporation whose application was before the Federal Radio Commission and not the application of respondents; that it was an application for a *modification* of the license of Johnson-Kennedy Radio Corporation because its present assignment "is unsuitable to properly cover its normal service area because of absorption due to steel mills;" and that it was an application by said Johnson-Kennedy Radio Corporation to "remove" Stations WIBO and WPCC, respondents herein. (R., p. 44, par. (1), lines 4 and 5.)

Jurisdiction is invoked under Section 240(a) of the Judicial Code, as amended by the Act of February 13, 1925, and under Section 16 of the Radio Act of 1927, as amended by the Act of July 1, 1930, c. 788, 46 Stat. 844.

QUESTION PRESENTED.

The question is not whether the Federal Radio Commission is authorized to decline to renew a license, but whether the Federal Radio Commission is authorized to destroy two "meritorious stations, serving public interest, convenience and necessity," as found by the Court of Appeals, by granting the modification asked for by ptitioners and thus working a "forfeiture of the facilities now assigned to stations WIBO and WPCC," respondents. (R. 1138, last paragraph and p. 1139.)

STATUTES INVOLVED.

The petition sets forth some of the statutes involved as being pertinent. Respondent refers herein, in the appropriate places, to additional statutes, i.e., Section 14 of the Radio Act of 1927 (c. 169, 44 Stat. 1168); Section 240 (a) of the Judicial Code; and parts of the Act of March 28, 1928, known as the Davis Amendment not printed by petitioner as pertinent. These statutes are printed in the appendix hereto.

STATEMENT.

The petitioner, Federal Radio Commission (Nos. 657 and 658) seeks to have reviewed in this Court, by *certiorari* to the Court of Appeals of the District of Columbia, a decision of that Court.

The petitioner, the Johnson-Kennedy Radio Corporation (Nos. 659 and 660), "adopts" the petitions filed by the Federal Radio Commission in numbers 657 and 658. The Johnson-Kennedy Radio Corporation was

the applicant before the Commission and an intervener in the Court of Appeals. In this brief we will refer to "the petitioners," in our discussions, except where the Federal Radio Commission alone is alluded to, when petitioner will be referred to as the Commission, or where the petitioner, Johnson-Kennedy Radio Corporation alone is dealt with, in which case we will refer to that petitioner as "Station WJKS."

Petitioners state that the decree of the Court of Appeals

> "reversed an order of the Federal Radio Commission refusing to renew the respondents' broadcasting licenses."

That statement is inaccurate. In their "Statement," however, the petitioners correctly set forth that Station WJKS, operating at Gary, Indiana, upon the frequency of 1360 kc., filed with the Commission its application for *modification* of its then license, and that, as amended, this application requested the frequency 560 kc., and requested that if the Commission's order would require the "removal" of a station or stations, stations WIBO and WPCC, operated respectively by the respondents herein, should be removed. No charges were made against respondents.

Petitioners' statement then sets up the *findings* of the Commission as the petitioners *summarize* them. This is a summary of a brief of the evidence in the case filed by petitioner WJKS before the Commission as part of its exceptions to the findings of the examiner.

Part of the petitioners' statement consists of Conclusions of the Commission as to why stations WIBO

and WPCC, operated by respondents, should be "deleted." Petitioners show that the Court of Appeals of the District of Columbia reversed the order of the Commission. Respondents here point out that the Court of Appeals found that the decision of the Commission was arbitrary and capricious.

REASONS FOR DENYING THE WRITS.

This Court has no jurisdiction to grant writs of *certiorari* to review the decision of the Court of Appeals of the District of Columbia revising a decision of the Federal Radio Commission.

Federal Radio Commission vs. General Electric Co., 281 U. S. 464.

Petitioners purport to invoke the Court's jurisdiction under Section 240(a) of the Judicial Code, as amended by the Act of February 13, 1925. That section provides:

> "In any case, civil or criminal, in a circuit court of appeals, or in the Court of Appeals of the District of Columbia, it shall be competent for the Supreme Court of the United States, upon the petition of any party thereto, whether Government or other litigant, to require by *certiorari*, either before or after a judgment or decree by such lower court, that the cause be certified to the Supreme Court for determination by it with the same power and authority, and with like effect, as if the cause had been brought there by unrestricted writ of error or appeal." (Chap. 229, 43 Stat. L. 936, 938, 939, U. S. C. title 28, sec. 347.)

Before this Court can acquire jurisdiction there must be a *case*. The proceeding before the Commission, the decision in which was reversed by the Court of Appeals, was not a case.

Federal Radio Commission vs. General Electric Co., supra; Great Lakes Broadcasting Co. vs. Federal Radio Commission, 281 U. S. 706.

The statute creating the Commission, and the subsequent statutes, including the Davis Amendment here involved, conferred upon the Commission administrative powers and upon the Court of Appeals supervisory powers over the Radio Commission in carrying out legislative functions. As said by this Court in *Federal Radio Commission vs. General Electric Co., supra*, 281 U. S. 464, 467:

> "We think it plain from this resumé of the pertinent parts of the (Federal Radio) Act that the powers confided to the Commission respecting the granting and renewal of station licenses are purely administrative and that the provision for appeals to the court of appeals does no more than make that court a superior and revising agency in the same field."

In *Postum Cereal Co. vs. California Fig Nut Co.*, 272 U. S. 693, in considering the administrative powers thus exercised by the Court of Appeals of the District of Columbia over the decisions of the Commissioner of Patents, this Court said:

> "It is merely an instruction to the Commissioner of Patents by a court which is made part of the machinery of the Patent Office for administrative purposes. In the exercise of such

> function it does not enter a judgment binding the parties in a case as the term 'case' is used in the third article of the Constitution." * * * "This result prevents an appeal to this Court, which can only review judicial judgments."

And at page 700:

> "The distinction between the jurisdiction of this court which is confined to the hearing and decision of cases in the constitutional sense and that of administrative action and decision, power for which may be conferred upon the courts of the District, is shown in the case of Keller vs. Potomac Electric Power Co., 261 U. S. 428."

In the instant case the decision of the Court of Appeals is not a "judicial" judgment which binds the parties in a case. The Court remands the case to the Radio Commission and the Commission makes the order binding the parties in so far as administrative action on them is concerned. The Court of Appeals, for the purpose of the appeal to it, is merely a part of the machinery of the Radio Commission and its decision is an administrative decision.

The petition further purports to invoke jurisdiction of this Court under the amendment of the Radio Act made by the Act of July 1, 1930 (46 Stat. 844). The latter Act amended Section 16 of the Radio Act only. The pertinent provision of the amendment is:

> "(a) An appeal may be taken, in the manner hereinafter provided, from decisions of the Commission to the Court of Appeals of the District of Columbia * * *.
>
> (d) * * * The court's judgment shall be final,

> subject, however, to review by the Supreme Court of the United States upon writ of *certiorari* on petition therefor under section 347 of title 28 of the Judicial Code by appellant, by the Commission, or by any interested party intervening in the appeal."

It will be noted, therefore, that jurisdiction is invoked because the amendment purports to give this Court jurisdiction to review what it has termed an administrative function of the Radio Commission and a supervisory function of the Court of Appeals.

No amendment to the Federal Radio Act has changed the duties and powers of the Radio Commission so as to make the functions of the commission anything different from the administrative functions as they existed at the time this Court decided the case of the *Commission vs. General Electric Co., supra.* The only ground on which jurisdiction is attempted to be invoked is that the amendment of July 1, 1930, gives this Court the right to review the proceedings.

The jurisdiction of this Court, however, is constitutional, and where the Constitution does not confer jurisdiction the Congress cannot do so. In the *General Electric Co.* case, *supra* (281 U. S. 464, 468), this Court said:

> "In the cases just cited, as also in others, it is recognized that the courts of the District of Columbia are not created under the judiciary article of the Constitution but are legislative courts, and therefore that Congress may invest them with jurisdiction of appeals and proceedings such as have been just described.
>
> *But this court can not be invested with jurisdiction of that character,* whether for purposes

of review or otherwise. It was brought into being by the judiciary article of the Constitution, is invested with judicial power only and can have no jurisdiction other than of *cases and controversies* falling within the classes enumerated in that article. It cannot give decisions which are merely advisory; nor can it exercise or participate in the exercise of functions which are essentially legislative or administrative. *Keller vs. Potomac Electric Power Co., supra* (261 U. S. 444, 67 L. Ed. 736, 43 Sup. Ct. Rep. 445), and cases cited; *Postum Cereal Co. vs. California Fig Nut Co., supra* * * *."

In Ex parte Bakelite Corporation, 279 U. S. 438, jurisdiction of this Court was invoked to review action of the United States Tariff Commission, on the ground that Congress had expressly provided, in the Tariff Act of 1922, for a review by this Court of a decision of the Court of Customs Appeals, but this Court said (*loc cite* 447):

"There is also a provision purporting to subject the decision of that court to review by this court upon *certiorari*.

* * * * * *

The present petitioner * * * filed with the Tariff Commission a sworn complaint. * * * The Commission entertained the complaint, gave public notice thereof and conducted a hearing. * * * The Commission made findings sustaining the charge * * *. The importers appealed to the Court of Customs Appeals, where the Bakelite Corporation challenged the court's jurisdiction on constitutional grounds. The court upheld its jurisdiction, and announced its purpose to entertain the appeal. Thereupon the Bakelite

Corporation presented to this Court its petition for a writ of prohibition. * * *
The grounds on which the jurisdiction of the Court of Customs Appeals was challenged in that court, and on which a writ of prohibition is sought here, are:

1. That the Court of Customs Appeals is an inferior court created by Congress under section 1 of article 3 of the Constitution, and, as such, it can have no jurisdiction of any proceeding which is not a case or controversy within the meaning of section 2 of the same article.
2. That the proceeding presented by the appeal from the Tariff Commission is not a case or controversy in the sense of that section but is merely an advisory proceeding in aid of executive action.

* * * * * *

While Article 3 of the Constitution declares, in section 1, that the judicial power of the United States shall be vested in one Supreme Court and in 'such inferior courts as the Congress may from time to time ordain and establish; and prescribes in section 2, that this power shall extend to cases and controversies of certain enumerated classes, it long has been settled that article 3 does not express the full authority of Congress to create courts, and that other articles invest Congress with powers in the exertion of which it may create inferior courts and clothe them with functions deemed essential or helpful in carrying those powers into execution. But there is a difference between the two classes of courts. Those established under the specific power given in section 2 of article 3 are called constitutional courts. They share in the exercise of the judicial power defined in that section, can be in-

vested with no other jurisdiction, and have judges who hold office during good behavior, with no power in Congress to provide otherwise. On the other hand, those created by Congress in the exertion of other powers are called legislative courts. Their functions always are directed to the execution of one or more of such powers and are prescribed by Congress independently of section 2 of article 3; and their judges hold for such time as Congress prescribes, whether it be a fixed period of years or during good behavior.

The first pronouncement on the subject by this court was in *American Insurance Co. vs. 356 bales of Cotton*, 1 Pet. 511, * * * where the status and jurisdiction of courts created by Congress for the Territory of Florida were drawn in question. Chief Justice Marshall, speaking for the court, said:

> 'These courts, then, are not constitutional courts, in which the judicial power conferred by the Constitution on the general government can be deposited. They are incapable of receiving it. They are legislative courts, created in virtue of the general right of sovereignty which exists in the government, or in virtue of that clause which enables Congress to make all needful rules and regulations respecting the territory belonging to the United States. The jurisdiction with which they are invested is not a part of that judicial power which is defined in the third article of the Constitution, but is conferred by Congress, in the execution of those general powers which that body possesses over the territories of the United States.'

That rule has been accepted and applied from

that time to the present in cases relating to territorial courts.

A like view has been taken of the status and jurisdiction of the courts provided by Congress for the District of Columbia. These courts, this court has held, are created in virtue of the power of Congress 'to exercise exclusive legislation' over the district made the seat of the government of the United States, are legislative courts rather than constitutional courts, and may be clothed with the authority and charged with the duty of giving advisory decisions in proceedings which are not cases or controversies within the meaning of article 3, but are merely in aid of legislative or executive action, and therefore outside the admissible jurisdiction of courts established under that article."

In *Crowell vs. Benson,* 285 U. S. 22, 49, this Court, in considering an appeal from the U. S. Employee's Compensation Commission, quoting from *Den ex dem Murray vs. Hoboken Land & Dev. Co.,* 18 How. 272, said:

> "To avoid misconstruction upon so grave a subject, we think it proper to state that we do not consider Congress can either withdraw from judicial cognizance any matter which, from its nature, is the subject of a suit at the common law, or in equity, or admiralty; nor, on the other hand, can it bring under the judicial power a matter which, from its nature, is not a subject for judicial determination."

See also Daniel Gordon et al. vs. U. S., 117 U. S. 697.

In *Keller vs. Potomac Electric Power Co.,* 261 U. S. 428, this Court held that while Congress can confer upon the courts of the District of Columbia power to

review the legislative discretion of the Public Utilities Commission and thus give the court authority to revise the legislative discretion of the Commission, the Congress cannot confer power upon the Supreme Court of the United States to review, on appeal from another reviewing court, such legislative discretion, so as to enable it to consider the facts and make the order which the commission should have made.

In that case the Act of Congress provided that:

> "Any party, including said commission, may appeal from the order or decree of said court to the Court of Appeals of the District of Columbia, and therefrom to the Supreme Court of the United States, which shall thereupon have and take jurisdiction."

This Court in passing upon that attempt to confer jurisdiction, said (*loc cite* 444):

> "This court is, therefore, given jurisdiction to review the entire record, and to make the order or decree which the Commission and the District courts should have made.
>
> Such legislative or administrative jurisdiction, it is well settled, cannot be conferred on this court either directly or by appeal. The latest and fullest authority upon this point is to be found in the opinion of Mr. Justice Day, speaking for the court in Muskrat vs. United States, 219 U. S. 346, 55 L. Ed. 246, 31 Sup. Ct. Rep. 250. The principle there recognized and enforced on reason and authority is that the jurisdiction of this court and of the inferior courts of the United States, ordained and established by Congress under and by virtue of the third article of the Constitution is limited to cases and con-

> troversies in such form that the judicial power is capable of acting on them; and does not extend to an issue of constitutional law framed by Congress for the purpose of invoking the advice of this court without real parties or a real case, or to administrative or legislative issues or controversies. Hayburn's Case, 2 Dall. 410, note, 1 L. Ed. 436, note; United States vs. Ferreira, 13 How. 40, 52, 14 L. Ed. 42, 47, Ex parte Siebold, 100 U. S. 371, 398, 25 L. Ed. 717, 726; Gordon vs. United States, 117 U. S. 697; Baltimore & O. R. Co. vs. Interstate Commerce Commission, 215 U. S. 216, 54 L. Ed. 164, 30 Sup. Ct. Rep. 86."

So in the instant case, if this Court had jurisdiction at all, it would be to review the entire record to determine first whether the Court of Appeals made an error of law and, secondly, whether the record consisting of some 1100 pages contained evidence to sustain the Commission, or whether the evidence showed that the action of the Commission was arbitrary and capricious; and after this Court determined the matter its decision would not be a judgment, or permit of a judgment to be made in any lower court, but would permit only of the consummation of the administrative function of issuing or withholding a permit to operate a radio station. That function is administrative.

As the amendment of the Radio Act under which jurisdiction is invoked was not in the power of Congress to enact, the situation as to the right of this Court to review the decision is precisely the same as it was when this Court dismissed the writ in the case of the *Federal Radio Commission vs. General Electric Co., supra.* Having already held in that case that Congress

cannot give it jurisdiction, dismissal of the petition herein on the authority of the cases herein cited would not invalidate any of the provisions of the Radio Act or amendments thereto dealing with the creation of the Commission and its functions under that Act and the amendments thereto. This Court held in *Keller vs. Potomac Electric Power Co., supra, loc cite,* 445:

> "The fact that the appeal to this court is invalid does not, however, render (the act there in question) invalid as a whole. Paragraph 92 of the law declares each paragraph to be independent, and directs that the holding of any paragraph or any part of it invalid shall not affect the validity of the rest."

And the Radio Act, in Section 38, makes the same provision *re* the validity of the Act as a whole in case any provision is held to be invalid.

SPECIFICATIONS OF ERROR URGED BY PETITIONERS.

As the Court has no jurisdiction to review the administrative acts of the Commission as supervised by the Court of Appeals, the errors urged by the petitioners can not be corrected by this Court, if errors there be.

However, as petitioners have set forth so fully in their "Statement," the facts as claimed by them, which statement is before this Court, respondents are constrained to answer the petitioners and point out that the Court of Appeals did not err as alleged. The specifications of error will be dealt with in the order in which they appear in the petition.

1. The Court of Appeals not only did not err in holding, but did not hold, that the Federal Radio Commission does not have the authority, under the Act of March 28, 1928, in the exercise of its licensing power, "to lessen the gross disparity existing between the broadcasting facilities of two States by granting a license to use the frequency assigned to the respondents, located in the over-quota State, to an applicant for such frequency in the under-quota State and declining to grant the license to respondents."

The Court of Appeals found (R. 1138), as the "statement" of petitioners in this Court admits to be true (p. 4, Petition herein), that station WJKS requested the "removal" of stations WIBO and WPCC; and the Court further found (R. 1139), as is borne out by the record (R. 1125) that the Commission in its decision stated the issue before it to be "the consequent forfeiture of the facilities now assigned stations WIBO and WPCC." It was not a question of "lessening gross disparity." The Court found (R. 1138, as borne out by the record (R. 1069 *et seq.*), that:

> "In the reallocation of 1928 following the enactment of the Davis amendment (act of March 28, 1928, 45 Stat. 373), the Commission found that conditions warranted the assignment of the frequency of 560 kc. to Station WIBO (originally established in April, 1925) and Station WPCC (originally established in July, 1924), and the assignment of the frequency of 1,360 kc. to Station WJKS (originally established in August, 1927). The evidence fails to disclose that there has been a material change in conditions since the reallocation of 1928."

The decision of the Court of Appeals fails to dis-

close any expression respecting authority or lack of authority to "lessen gross disparity" and no such "holding" can be here asserted as an error upon which this Court can be asked to aid petitioners in deleting stations WIBO and WPCC, or uphold their forfeiture.

2. Petitioners assert that the Court of Appeals erred in holding that the action of the Commission was an arbitrary and capricious exercise of power.

Station WJKS asked for the "removal" of respondents' stations WIBO and WPCC. The Commission declared the issue to be the "forfeiture" of stations WIBO and WPCC.

We submit that:

(a) When the Commission decided that it had the right to entertain the application to "forfeit" the facilities of other stations, it acted arbitrarily and capriciously.

Section 14 of the Radio Act (c. 169, 44 Stat. 1168) which has never been amended or repealed, reads, so far as pertinent here, as follows:

> "Any station license shall be revocable by the Commission for false statements either in the application or in the statement of fact which may be required by Section 10 hereof, or because of conditions revealed by such statements of fact as may be required from time to time which would warrant the licensing authority in refusing to grant a license on an original application, or for failure to operate substantially as set forth in the license, for violation of or failure to observe any of the restrictions and conditions of this Act, or of any regulation of the licensing authority authorized by this Act * * *. Provided that no such order of revocation shall take

> effect until thirty days' notice in writing thereof, stating the cause for the proposed revocation, have been given to the parties known by the Commission to be interested in such license. * * *."

The so-called Davis Amendment, which amended Section 9 of the said Act, provided for the allocation of licenses. It did not alter the provisions of Section 14 or repeal that section. The Act contains no provision for "removing," "deleting," "forfeiting" or "destroying" licensed stations. There is, therefore, no statutory power for the forfeiture of a station, and the Order of the Commission is not a "fair and equitable" allocation of licenses under the Davis Amendment.

(b) The Davis Amendment directs the Commission to make and maintain an equal allocation among the zones and a fair and equitable allocation within the zones. The Court of Appeals, as stated above, found that such allocation had been made in 1928 after the passage of the Davis Amendment and that the evidence fails to disclose that there has been a material change in conditions since that reallocation. To permit the Commission to again make a separate reallocation on each "request" to "remove" an established station, thus "forfeiting" it, would be to give the Commission power to act arbitrarily and capriciously. Finding no substantial evidence in the record showing a change in conditions since the facilities were allocated to respondents' stations in 1928, the Court of Appeals was obviously justified in finding that the Commission's Order resulting in the forfeiture of those facilities was arbitrary and capricious.

(c) The Court of Appeals is the final supervisory power. As stated in *Keller vs. Potomac Electric Power Co., supra* (261 U. S. 428, 444):

> "It (the act of Congress) brings the court much more intimately into the legislative machinery * * *. We cannot escape the conclusion that Congress intended that the court shall revise the legislative discretion of the Commission by considering the evidence and full record of the case, and entering the order it deems the Commission ought to have made."

Under the Radio Act the court does not enter the order; it remands the case to the Commission to carry out the court's judgment, but it is the legislative discretion of the court that is carried out. The court must examine the entire record before it can determine whether the facts found by the Commission, even if supported by substantial evidence, make the findings, i. e. the conclusions, of the Commission arbitrary and capricious. As stated in *Crowell vs. Benson, supra* (285 U. S. 22), this Court said:

> "The recognition of the utility and convenience of administrative agencies for the investigation and finding of facts within their proper province, and the support of their authorized action, does not require the conclusion that there is no limitation of their use, and that the Congress could completely oust the courts of all determinations of fact by vesting the authority to make them with finality in its own instrumentalities or in the Executive Department. That would be to sap the judicial power as it exists under the Federal Constitution, to estab-

> lish a government of a bureaucratic character alien to our system, wherever fundamental rights depend, as not infrequently they do depend, upon the facts and *finality as to facts becomes, in effect, finality in law.*"

In the instant case the Congress has given the Court of Appeals of the District of Columbia the jurisdiction to review not only questions of law, which must include questions where "finality as to facts becomes, in effect, finality in law," but jurisdiction to reverse the decision of the Commission where the "findings" of the Commission are arbitrary and capricious.

The Court of Appeals decided (R. 1141):

> "The question, therefore, in this case is whether the decision of the commission assigning to the applicant station the frequency enjoyed by Stations WIBO and WPCC since 1928 'and the subsequent forfeiture' of the assignment held by Stations WIBO and WPCC is a reasonable exercise of regulatory power or an arbitrary and capricious assertion of power.
>
> Station WIBO was established in April, 1925, and represents a total cost of about $346,000, less a reserve for depreciation of about $54,000. It employs 55 persons; has monthly operating expenses of from $16,000 to $18,000. It serves a radius of from 50 to 100 miles and, on the basis of its earnings, is estimated to be worth between $500,000 and $700,000. There is not even a suggestion that it has failed to comply in any respect with the regulations of the commission; on the contrary, it affirmatively appears that this station has been operated in the public interest.
>
> Station WPCC was established in July, 1924,

and is owned by the North Shore Church of Chicago. Prior to the installation of this broadcasting station, the church was largely in debt. The installation of the radio greatly increased the church's audiences. There are 20 radio stations in Chicago broadcasting about sixty hours of religious programs on Sundays, but there are practically no week-day spiritual programs broadcast except those of station WPCC. That the operation of this station has been in the public interest, clearly appears.

* * * * * *

We have repeatedly held that 'it would not be consistent with the legislative policy to equalize the comparative broadcasting facilities of the various states or zones by unnecessarily injuring stations already established which are rendering valuable services to their natural service areas.' Reading Broadcasting Co. vs. Fed. of Radio Comm., 60 App. D. C. 89, 48 F. (2d) 458; Chicago Fed. of Labor vs. Fed. Radio Comm., 59 App. D. C. 333, 41 F. (2d) 422.

* * * * * *

Station WIBO had been broadcasting for more than two years, and station WPCC more than three years, when station WJKS entered the field. The only apparent reason for granting the application of station WJKS and destroying the other two stations is that Indiana is underquota, which in the circumstances furnishes no substantial justification for the decision of the commission. As already observed, the evidence discloses that station WIBO and WPCC have been and are 'serving public interest, convenience, and necessity' certainly to as great an extent as the applicant station. In our view, the conclusively established and admitted facts furnish no legal basis for the de-

cision of the commission. In other words, the decision is in a legal sense arbitrary and capricious."

Specifications 3, 4 and 5 urged as error by petitioners allege that the Court of Appeals erred in relying on certain findings of the examiner which petitioners claim are inconsistent with the findings of the commission. The language of the opinion of the Court of Appeals thus complained of is as follows:

> "After a careful review of the established facts, the examiner recommended that the application be denied. He found that the station is rendering a commendable public service on its present part-time assignment, but that the service 'would be improved by the installation of the most modern radio equipment and the operation of this station in the most efficient manner on its present frequency.' He further found that it is possible that 'more objectionable interference would result from the operation of station WJKS on the 560 kc. channel than now results from the operation of this station at Gary on the 1,360 kc. channel, since station WNOX at Knoxville, Tenn., is separated from Gary by a distance of only 440 miles, whereas the nearest station on applicant's present assigned frequency operating with 1 kw., is at Syracuse, N. Y., separated from Gary by a distance of 600 miles.' He also found that Stations WIBO and WPCC 'are meritorious stations, serving public interest, convenience and necessity'; that 'the owners and operators of these stations have at great cost prepared themselves to exercise the broadcasting privileges heretofore granted them by the Federal Radio Commission, and in the opinion of the examiner, clear and sound reasons of

> public policy demand that these broadcasting privileges be not taken from them and assigned to applicant station'; that stations WIBO and WPCC provide radio service for people within the service area of the applicant station, who also 'receive a large proportion of their radio broadcasting service from stations operating in the State of Illinois, *none of which service may be charged against the quota of the State of Indiana.*' (R. 1138-9).

A reading of the Court's opinion discloses that the aforesaid language was used by the Court merely as part of its statement of the various steps which had been taken in the case before it reached the Court.

The opinion does not show that the Court relied on said findings of the examiner. On the contrary, the Court's opinion discloses that on an examination of the entire record the Court found that the order of the Commission forfeiting respondents' stations WIBO and WPCC was arbitrary and capricious. This finding of the Court, as shown in connection with the answer herein to petitioner's specification No. 2 is fully sustained by the record.

The specification that the Court erred in reversing the order of the Commission is, therefore, without foundation.

In the "Reasons for granting the writs," petitioners state, first, that the case presents a question of public importance which should be decided by the Court because it involves the construction of the Davis Amendment pertaining to the manner in which broadcasting facilities should be allocated and that it is the first case involving the affirmative application of the Act by the Commission.

The difficulty is that the question is not here presented by a *case*. The administrative supervisory power, the Court of Appeals, has heretofore considered the question involving the affirmative application of the Davis Amendment and has determined it.

> *Technical Radio Laboratory vs. Federal Radio Commission*, 59 App. D. C. 125;
> *City of New York vs. Federal Radio Commission*, 59 App. D. C. 129;
> *Chicago Federation of Labor vs. Federal Radio Commission*, 59 App. D. C. 333;
> *KFKB Broadcasting Ass'n. vs. Federal Radio Commission*, 60 App. D. C. 81;
> *WHB Broadcasting Co. vs. Federal Radio Commission*, 56 Fed. (2nd) 311;
> *Durham Life Insurance Co. vs. Federal Radio Commission*, 60 App. D. C. 375.

The second reason urged by the petitioners for granting the writs is that:

> "It is essential to the proper discharge of the Commission's duties that this Court should determine whether the Commission may refuse to renew licenses and thereby curtail the facilities of existing stations, in order to bring about a fair distribution of broadcasting facilities among the States, as provided in the Davis Amendment. Substantially the same question is involved in 116 separate proceedings pending before the Federal Radio Commission, in which applications have been filed requesting, in each case, the reassignment to an underserved State or zone of all or a substantial part of the fa-

cilities now licensed to a station in an over-quota State or zone."

The third reason advanced by petitioners, as to why the writs should be granted, is that the lower court placed an erroneous construction upon the language of the Davis Amendment.

The Court of Appeals found that the evidence fails to disclose a material change in conditions in the zone here involved since broadcasting facilities were reallocated under the Davis Amendment in 1928 so as to now justify the forfeiture of the facilities then allocated to respondents' stations WIBO and WPCC. The Court's decision was on the facts of this case and no decision on those facts can be controlling in any of the 116 other cases now pending.

If there are 116 other cases pending in which the only question involved is the right of the Commission to forfeit stations because competitors have applied for their facilities, this Court should end the suspense of the operating stations there involved by denying the writ here applied for, on the authority of *Federal Radio Commission vs. General Electric Co., supra,* and similar decisions cited herein.

The granting of the writ here applied for would delay the mandate of the Court of Appeals to the Commission, and until such mandate goes to the Commission, delay in the Commission's dismissal of the application to remove respondent's stations and the pending applications of competitors for the forfeiture of the 116 other operating stations affects the orderly conduct of the business of those stations and works irreparable financial hardship on them.

be a precedent for the Commission in determining applications of others who wish meritorious stations removed from the air.

This Court having no jurisdiction to review the decision of the Court of Appeals in any event, it is respectfully submitted that the writs should be denied.

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APPENDIX.

Statutes Involved.

Section 240 (a), Judicial Code:

> "In any *case*, civil or criminal, in a circuit court of appeals, or in the Court of Appeals of the District of Columbia, it shall be competent for the Supreme Court of the United States, upon the petition of any party thereto, whether Government or other litigant, to require by certiorari, either before or after a judgment or decree by such lower court, that the cause be certified to the Supreme Court for determination by it with the same power and authority, and with like effect, as if the cause had been brought there by unrestricted writ of error or appeal." (Chap. 229, 43 Stat. L. 936, 938, 939, U. S. C. title 28, sec. 347).

Section 14, Radio Act of 1927 (c. 169, 44 Stat. 1168).

> "Any station license shall be revocable by the Commission for false statements either in the application or in the statement of fact which may be required by section 10 hereof, of because of conditions revealed by such statement of fact as may be required from time to time which would warrant the licensing authority in refusing to grant a license on an original application, or for failure to operate substantially as set forth in the license, for violation of or failure to observe any of the restrictions and conditions of this Act, or of any regulation of the licensing authority authorized by this Act * * *. Provided that no such order of revocation shall take effect until thirty days' notice in writing thereof,

stating the cause for the proposed revocation, have been given to the parties known by the Commission to be interested in such license * * *."

Section 16, Radio Act of 1927, as amended by the Act of July 1, 1930, known as the Davis Amendment (46 Stat. 844).

"(a) An appeal may be taken in the manner hereinafter provided, from decisions of the Commission to the Court of Appeals of the District of Columbia * * *.

(d) * * * The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under section 347 of title 28 of the Judicial Code by appellant, by the commission, or by any interested party intervening in the appeal."

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In The

Supreme Court of the United States.

Nos. 657, 658, 659 and 660.

October Term, 1932.

Federal Radio Commission and Johnson-Kennedy Radio Corporation (Station WJKS), *Petitioners,*

vs.

Nelson Brothers Bond & Mortgage Company (Station WIBO), *Respondent.*

Federal Radio Commission and Johnson-Kennedy Radio Corporation (Station WJKS), *Petitioners,*

vs.

North Shore Church (Station WPCC), *Respondent.*

On Writs of Certiorari to the Court of Appeals of the District of Columbia.

BRIEF FOR RESPONDENTS.

OPINION BELOW.

The opinion of the Court of Appeals of the District of Columbia (R. 1138-1147) is reported in 62 F. (2d) 854.

JURISDICTION.

The petitioners invoke jurisdiction of this Court under Section 240 (a) of the Judicial Code, as amended by the Act of February 13, 1925, and under Section 16 of the Radio Act of 1927, as amended by the Act of July 1, 1930, c. 788, 46 Stat. 844.

The amendment made by the Act of July 1, 1930, added to the Radio Act as heretofore considered by this Court in *Federal Radio Commission vs. General Electric Co.*, 281 U. S. 464, the following provision:

> "The Court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari upon petition therefor under section 347 of Title 28 of the Judicial Code * * *."

Respondents here urge, as they urged in their brief in opposition to the granting of the writ, that this Court has no jurisdiction to entertain the review asked for by petitioners, and reference is hereby made to the brief in opposition for a full statement of reasons why this Court should not review the case. The amendment purporting to give this Court jurisdiction is an attempt on the part of Congress to create a jurisdiction which this Court in *Federal Radio Commission vs. General Electric Co., supra,* has held the Congress could not confer upon this Court (respondent's brief in op-

position herein, page 8). But the amendment does not change the nature of the powers and functions of the Commission from being purely administrative in character. As was said in the General Electric case, *supra:*

> "In the cases just cited, as also in others, it is recognized that the courts of the District of Columbia are not created under the judiciary article of the Constitution but are legislative courts, and therefore that Congress may invest them with jurisdiction of appeals and proceedings such as have been described.
>
> "But this court can not be invested with jurisdiction of that character, whether for purposes of review or otherwise. * * * It cannot give decisions which are merely advisory; nor can it exercise or participate in the exercise of functions which are essentially legislative or administrative."

This same rule was laid down by the Court in the case of *Keller vs. Potomac Electric Power Co.*, 261 U. S. 428, where this Court was declared by Congress to have jurisdiction on appeal from the Court of Appeals of the District of Columbia in cases arising before the Public Utilities Commission. The Court said:

> "This court is, therefore, given jurisdiction to review the entire record, and to make the order or decree which the Commission and the District courts should have made.
>
> "Such legislative or administrative jurisdiction, it is well settled, cannot be conferred on this court, either directly or by appeal."

If the Supreme Court should review the instant case and enter an order in the matter, that order could only

affect the issuance or withholding of a permit, which is an administrative matter.

It is evident that Congress was not satisfied to vest in the Radio Commission—an executive body—plenary power. Apparently Congress felt that in so important a matter as allocating the limited number of wave lengths and in giving the great economic advantages to selected men or groups, it did not have complete confidence that the Radio Commission might not abuse the authority. The provision which made the Court of Appeals an administrative court of appeal manifested that fear of bureaucracy which in this and other countries at all times has been a justifiable apprehension of the legislative body. While they may have been content to invest large and important powers in the Radio Commission, they may have recalled the line of Shakespeare, which tells us of

> "Man, proud Man!
> Dressed in a little brief authority
> Most ignorant of what he is most assured,
> His glassy essence."

and therefore preferred to prevent injustice or favoritism by instituting another body, not identified with the bureaucracy, which would determine whether the findings of the Commission were justified by substantial evidence, and whether the action, under all the circumstances of a given case, was capricious or arbitrary.

Petitioners contend that since the amendment of the Act petitioner WJKS by applying for additional facilities made a *case* so that this Court can now review the decision of the Commission, and that this review is comparable to the review by this Court of a decision

of a Court of Appeals which has reviewed a decision of the Board of Tax Appeals. In this contention petitioners have overlooked the distinction made by this Court in the *Federal Radio Commission vs. General Electric Co.* case, *supra*, where the Court said, *loc cite*, 469:

> "The proceeding on the appeal, from the (Radio) Commission's action is quite unlike the proceeding, under sections 1001(a)-1004(b) of the Revenue Act of 1926, chapter 27, 44 Stat. at L. 109, U. S. C. title 26, sections 1224-1227, on a petition for the review of a decision of the Board of Tax Appeals; for, as this court heretofore has pointed out, such a petition (a) brings before the reviewing court the United States or its representative on the one hand and the interested taxpayer on the other, (b) presents for consideration either the right of the United States to the payment of a tax claimed to be due from the taxpayer, or his right to have refunded to him money which he has paid to satisfy a tax claimed to have been erroneously charged against him, and (c) calls for a judicial and binding determination of the matter so presented—all of which makes the proceeding a case or controversy within the scope of the judicial power as defined in the judiciary article."

The case of *Old Colony Trust Co. vs. Commissioner of Internal Revenue*, 279 U. S. 716, cited by petitioner, is also cited by the Court in its distinction above made. This Court also refers in the *General Electric Co.* case to the distinction between cases under the Interstate Commerce Act and cases under the Radio Act; and the same distinction between cases under the Federal Trade Commission Act and cases under the Radio Act.

The Interstate Commerce Act and the Federal Trade Commission Act provide for making the Government a party to a case.

Road District vs. St. L. S. W. Ry. Co., 257 U. S. 547, cited by petitioners as authority for the jurisdiction, was a case between a county, for taxes, and a taxpayer, as is a case between the United States and one of its taxpayers in a proceeding before the Board of Tax Appeals. In *Federal Trade Commission vs. Klesner*, 274 U. S. 145, and in the same case in 280 U. S. 19, cited by petitioners, the Congress provided that the Commission, *by bringing a complaint in court*, could try out the question of enforcing an order made by it. The Federal Trade Commission was a party to a case. So the Interstate Commerce Commission is a party to cases where it is brought in as a party or files a petition as a party, in an original case in court, as is provided by the statutes. And where it is not a proceeding such as makes it a party to a case the Interstate Commerce Commission's acts can not be reviewed. *U. S. vs. Los Angeles & S. L. Ry. Co.*, 273 U. S. 299.

On page 14 of WJKS brief (footnote) the statement is made that jurisdiction attaches in a proceeding affecting rights in themselves appropriate subjects of judicial cognizance or a wrong to be redressed or prevented. The case of *Liberty Warehouse Co. vs. Grannis*, 273 U. S. 70, is cited. That case arose under a declaratory Judgment Law of Kentucky. The Court held that there was no jurisdiction and held that the *Muskrat* case controlled on the principle that there must be an actual controversy, arising between adverse litigants, duly instituted in a *court* of proper jurisdiction. In the instant case the three stations were not adverse litigants before a court in a proceeding instituted in court.

Interstate Commerce Commission vs. Brimson, 154 U. S. 447, is also cited. In that case the Commission was a litigant in the court by a bill filed therein. The proceeding on which the Court was acting there was not the proceeding which was pending before the Commission but was a proceeding on a bill filed to compel a witness to testify in the proceeding before the Commission. It was an independent bill having nothing to do with the matter being investigated, but only dealing with the right of the Commission to enforce the presence of witnesses.

WJKS argues that the amendment of July 1, 1930, was enacted because of the decision in the General Electric Co. case. This argument has no force if Congress had no power, by the amendment, to confer jurisdiction. In the Bakelite case this Court held that the provision in the Tariff Act of 1922, purporting to grant jurisdiction in this Court to review acts of the Commerce Court, was ineffective.

The case of *White vs. Federal Radio Commission,* 29 F. (2d) 113, was a case wherein a bill in equity, for an injunction, was filed by the licensee and this Court refused to entertain the case on certificate from the Court of Appeals.

The private Land Claims appeals were *cases.* On the other hand, in a lengthy Opinion this Court, in *Gordon vs. U. S.,* 117 U. S. 697, held that:

> "And it is very clear that this Court * * * can not, under the Constitution, take jurisdiction of any decision, upon appeal, unless it was made by an inferior court, *exercising independently the judicial power* granted to the United States. It is only from such judicial decisions that appellate power is given to the Supreme Court."

The attempt to give this Court jurisdiction was in an amendment which in no wise altered the administrative proceeding theretofore set up. There is here, therefore, no more of a *case* than was before this Court in the *General Electric Company case.*

STATEMENT OF THE CASES.

This Court is asked to review decisions of the Court of Appeals of the District of Columbia on appeals from the decision of the Federal Radio Commission (R. 1130) granting application of the Johnson-Kennedy Radio Corporation (Station WJKS) of Gary, Indiana, for modification of its license (R. 1131), and terminating the existing radio broadcasting licenses heretofore issued to Nelson Brothers Bond & Mortgage Company (Station WIBO) and North Shore Church (Station WPCC), both of Chicago, Illinois.

On September 26, 1930, the Johnson-Kennedy Radio Corporation of Gary, Indiana (Station WJKS), filed with the Federal Radio Commission an application for modification of its then license (R. 35), and requested a regional frequency of 560-610 kc., power of 1 kw. night and 1,250 watts daytime, with unlimited hours of operation. The regional frequency 560 kc., and hours of operation were then assigned to Nelson Brothers Bond & Mortgage Company (Station WIBO), of Chicago, Illinois, and North Shore Church (Station WPCC) of Chicago, Illinois.

Applicant Johnson-Kennedy Radio Corporation (Station WJKS) at that time had assignment of frequency 1,360 kc. with power of 1 kw. night and 1,250 watts daytime and hours of operation shared with Station WGES of Chicago, Illinois.

The application of the Johnson-Kennedy Radio Corporation was for the purpose of removing Stations WIBO and WPCC from the air, and bestowing upon the Johnson-Kennedy Radio Corporation (Station WJKS), intervener herein, the assigned radio facilities of frequency channel and time theretofore granted to respondents. The applicant, in a telegram to the Federal Radio Commission amending its application stated (R. 39):

> "* * * the applicant desires stations WIBO and WPCC Chicago as the stations to be *removed.*"

Thereafter the Commission, on October 6, 1930, notified the respondents that the Commission had examined the application of the Johnson-Kennedy Radio Corporation, and, not being satisfied that public interest, convenience or necessity would be served by granting same, had designated the matter for hearing on April 23, 1931 (R. 43).

No proceeding was instituted to *revoke* the permits of stations WIBO and WPCC under the provisions of Section 9 of the Radio Act, which section is still in force.

Hearing was had on the application of WJKS, however, and consumed seven days, from April 23 to April 30, 1931, before Ellis A. Yost, the Commission's Chief Examiner. Said Chief Examiner thereafter, on July 28, 1931, filed with the Commission his report, wherein he reviewed the evidence, made findings and recommended as follows:

> "In consideration of the foregoing it is recommended that the application of Johnson-Ken-

nedy Radio Corporation for use of the 560 kc. channel now assigned to Stations WIBO and WPCC, be *denied*" (R. 1082).

Thereafter the applicant Johnson-Kennedy Radio Corporation, on August 14, 1931, by its counsel, Mabel Walker Willebrandt, filed exceptions to Examiner's report and requested oral argument in support of its exceptions (R. 1095), and thereafter, on October 16, 1931, without further notice to or hearing of appellants, the said Commission denied the request of the applicant for oral argument, granted the application of Johnson-Kennedy Radio Corporation for modification of its license, directed the Secretary of the Commission to issue a modified license to said Johnson-Kennedy Radio Corporation authorizing the operation of its station WJKS on the regional frequency of 560 kc. with power of 1 kw. night and 1,250 watts daytime and unlimited hours of operation, directed its Secretary to terminate the existing radio broadcasting license theretofore issued to Nelson Brothers Bond & Mortgage Company (Station WIBO) and North Shore Church (Station WPCC) in accordance with the conclusions reached in said decision and the terms and conditions of said licenses, and directed that the order be effective twenty days from the date thereof (R. 1130).

Respondents, on October 24, 1931, filed in the Court of Appeals their notices of appeal (R. 1, WIBO, and R. 17, WPCC) with statements of reasons therefor, and therewith their petitions for stay of the Commission's decision and order (R. 7, 24). Stay was granted October 31, 1931.

The Johnson-Kennedy Radio Corporation of Gary, Indiana (Station WJKS), the prime mover before the

Commission, intervened in these appeals (R. 9), as did Strawbridge & Clothier, Philadelphia, Pa. (Station WFI) (R. 12).

By stipulation (R. 34) it was agreed that a single record be filed for both appeals, the records being identical. Such record was filed November 16, 1931 (R. 1132).

In general, appellants' respective statements of reasons for appeal are similar. The facts differ in details, some of which will be referred to, but the action of the Federal Radio Commission as to each respondent raises the same questions of law.

Summary of Argument.

The findings of the Court of Appeals are supported by the record.

No steps were taken for a revocation of respondents' permits but the Commission proceeded on the premise that it had the power to "forfeit" licenses, on the mere application of a station in an under-quota State within a zone that such forfeiture be worked in order to bestow upon the applicant the facilities of the "deleted" stations. This false premise and the lack of any ground for revocation as well as the absence of any proceeding to revoke, made the action of the Commission arbitrary and capricious. The Commission was also arbitrary and capricious in that it did not apply its own orders to the case.

The Commission ignored the fact that while both Indiana and Illinois are under quota in regional stations, Indiana has more regional station assignments in proportion to its quota than has Illinois.

The Commission's order is contrary to the statute

in that it permits the applicant to designate a station to be deleted or "removed."

The forfeiture of stations which have been found by the Commission to be serving public interest, convenience and necessity would be an unreasonable execution of the mandate of Congress to apportion facilities "*equitably among the States,*" and an interpretation of the statute as giving such power would be unconstitutional.

The Court of Appeals of the District of Columbia, the final administrative supervisor of the acts of the Commission, has properly applied the law in its various decisions and has established principles of law which should be applied to this case.

Statutes Involved.

Section 9 of the Act of February 23, 1927 (44 Stat. 1169), provided:

> "The licensing authority, if public convenience, interest, or necessity will be served thereby, subject to the limitations of this Act, shall grant to any applicant therefor a station license provided for by this Act.
>
> "In considering applications for licenses and renewals of licenses, when and in so far as there is a demand for the same, the licensing authority shall make a distribution of licenses, bands of frequency or wave lengths, periods of time for operation, and of power among the different States and communities as to give fair, efficient, and equitable radio service to each of the same."

This Act contained no provision for "deletion," or "forfeiture" of any station. It was amended by the

Act of March 28, 1928, known as the Davis Amendment (45 Stat. 373) and the ninth section as amended now reads as follows:

SEC. 9. The licensing authority, if public convenience, interest, or necessity will be served thereby, subject to the limitations of this Act, shall grant to any applicant therefor a station license provided for by this Act.

It is hereby declared that the people of all the zones established by Section 2 of this Act are entitled to equality of radio broadcasting service, both of transmission and of reception, and in order to provide said equality the licensing authority shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power, to each of said zones when and in so far as there are applications therefor; and shall make a fair and equitable allocation of licenses, wave lengths, time for operation, and station power to each of the States, the District of Columbia, the Territories and possessions of the United States within each zone, according to population. The licensing authority shall carry into effect the equality of broadcasting service hereinbefore directed, whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewals of licenses: *Provided*, That if and when there is a lack of applications from any zone for the proportionate share of licenses, wave lengths, time of operation, or station power to which such zone is entitled, the licensing authority may issue licenses for the balance of the proportion not applied for from any zone, to applicants

from other zones for a temporary period of ninety days each, and shall specifically designate that said apportionment is only for said temporary period. Allocations shall be charged to the State, District, Territory, or possession wherein the studio of the station is located and not where the transmitter is located.

No license granted for the operation of a broadcasting station shall be for a longer term than three years and no license so granted for any other class of station shall be for a longer term than five years, and any license granted may be revoked as hereinafter provided. Upon the expiration of any license upon application therefor, a renewal of such license may be granted from time to time for a term of not to exceed three years in the case of broadcasting licenses and not to exceed five years in the case of other licenses.

No renewal of an existing station license shall be granted more than thirty days prior to the expiration of the original license.

The power of the Federal Radio Commission to regulate, license, assign facilities and revoke, modify or suspend licenses, other than as shown above, is contained in Section 4 of the Act of February 23, 1927 (44 St. 1163), as follows:

SEC. 4. Except as otherwise provided in this Act, the commission from time to time, as public convenience, interest, or necessity requires, shall—

(*a*) Classify radio stations;

(*b*) Prescribe the nature of the service to be rendered by each class of licensed stations and each station within any class;

(*c*) Assign bands of frequencies or wave lengths to the various classes of stations, and

assign frequencies or wave lengths for each individual station and determine the power which each station shall use and the time during which it may operate;

(*d*) Determine the location of classes of stations or individual stations;

(*e*) Regulate the kind of apparatus to be used with respect to its external effects and the purity and sharpness of the emissions from each station and from the apparatus therein;

(*f*) Make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations and to carry out the provisions of this Act: *Provided, however,* That changes in the wave lengths, authorized power, in the character of emitted signals, or in the times of operation of any station, shall not be made without the consent of the station licensee unless, in the judgment of the commission, such changes will promote public convenience or interest or will serve public necessity or the provisions of this Act will be more fully complied with;

(*g*) Have authority to establish areas or zones to be served by any station;

(*h*) Have authority to make special regulations applicable to radio stations engaged in chain broadcasting;

(*i*) Have authority to make general rules and regulations requiring stations to keep such records of programs, transmissions of energy, communications, or signals as it may deem desirable;

(*j*) Have authority to exclude from the requirements of any regulations in whole or in part any radio station upon railroad rolling stock, or to modify such regulations in its discretion;

(*k*) Have authority to hold hearings, summon

witnesses, administer oaths, compel the production of books, documents, and papers and to make such investigations as may be necessary in the performance of its duties. The commission may make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding) as may be necessary for the execution of the functions vested in the commission and, as from time to time may be appropriated for by Congress. All expenditures of the commission shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman.

There is nowhere in the Radio Act or any amendment thereto any provision under which a "forfeiture" may be invoked.

General Orders of the Federal Radio Commission.

The General Orders of the Federal Radio Commission, explanations thereof as published by the Commission, and minutes of the Commission pertinent in this matter are as follows:

General Order No. 92 of June 17, 1930 (R. 1069 *et seq.*);

Explanation of General Order No. 92 and revised Quota Tables (R. 751 *et seq.*);

General Order No. 102 of January 8, 1931 (R. 1072);

Explanation of General Order No. 102, Feb. 26, 1931;

Minutes of the Federal Radio Commission, June 25, 1930 (R. 1075);

Announcement by the Commission, Aug. 19, 1930, of Bureau of Census "Preliminary Announcement of Population of the United States; 1930," as the basis

for computing the quota of radio facilities due each State under the Radio Act of 1927 as amended, and tables thereunder (R. 1075).

References to these Orders, explanations, etc., will be made according to the record, in order not to encumber this brief, but for convenience, General Order No. 102, and the explanation thereof, are set forth in the Appendix, p. 76.

THE THREE STATIONS.

Note: Hereafter in this brief the stations will be referred to by call letter designation as follows:

WIBO: Station owned by Respondent, Nelson Brothers Bond & Mortgage Company, Chicago, Illinois, operating on frequency of 560 kc., with power of 1500 watts daytime and 1 kw. night time, under license issued August 28, 1931 (R. 39-41).

WPCC: Station owned by Respondent, North Shore Church, Chicago, Illinois, sharing time with station WIBO on the same frequency with 500 watts power, under license issued August 25, 1931 (R. 41-43).

WJKS: Station owned by Petitioner, Johnson-Kennedy Radio Corporation of Gary, Indiana, operating on a frequency of 1360 kc., with power of 1250 watts daytime and 1 kw. night time, sharing time with Station WGES, Chicago.

Procedure Before the Federal Radio Commission.

WJKS applied, September 26, 1930 (R. 35) for modi-

fication of license, seeking, instead of the 1360 kc. frequency, a frequency of 560/610 kc., with unlimited time of operation. Thereafter, by telegram to the Federal Radio Commission dated February 16, 1931 (R. 39), WJKS amended its application, referring to General Order No. 102 issued January 8, preceding, and stating:

> "If under the provisions of General Order No. 102 the granting of this application would require the removal of a station or stations using the facilities requested in an over quota state of the fourth zone then the applicant desires station WIBO and WPCC Chicago as the stations to be *removed.*"

Notices were sent to respondents and others deemed by the Commission to be interested, designating the matter for hearing on April 23, 1931 (R. 43-44). (No proceedings were instituted to revoke the permits of WIBO and WPCC.)

Hearing was had before Ellis A. Yost, Chief Examiner, and voluminous testimony and exhibits assembled during seven trial days.

Thereafter, on July 28, 1931, Yost, Chief Examiner, presented his report No. 235 (R. 1082-1094) with conclusions, and with the recommendation that the application of WJKS for use of the channel assigned to Stations WIBO and WPCC be denied (R. 1094).

WJKS excepted to the examiner's report August 14, 1931 (R. 1095-1123) and moved for oral argument.

Thereafter, without notice to respondents or other parties, the Commission made a "Statement of Facts, Grounds for Decision and Order of the Commission," denying oral argument to WJKS, granting the appli-

cation of WJKS authorizing the operation of WJKS on the frequency of 560 kc., with 1 kw. power nights and 1250 watts daytime and unlimited hours of operation, and directing the termination of the existing broadcasting licenses of WIBO and WPCC, making its order effective twenty days from date of filing, to wit, October 16, 1931 (R. 1124-1131).

Hence the appeal to the Court of Appeals.

ARGUMENT.

The Findings of the Court Are Supported by the Record and the Action of the Commission Was Arbitrary and Capricious.

At the outset attention is called to statements in the brief of the petitioner, Johnson-Kennedy Radio Corporation (WJKS). Petitioner WJKS states that there were within fifty miles of Chicago forty stations. *Petitioner's station was one of them.* That station contributed to the over-quota condition surrounding Chicago in that zone. Petitioner calls attention to the preamble of the Davis Amendment, which states that the people of all the zones are entitled to equality of radio broadcasting service, *both of transmission and of reception.* It is a fact which is not disputed anywhere in the record that respondents' stations provide radio service to the population within the area of petitioner's station, who receive a large proportion of their broadcasting service from stations operating in Illinois (includng respondents' stations) *none of which service may be charged against the quota of Indiana.*

Petitioner's own contentions are contrary to these admissions, proven facts and conditions.

The record clearly bears out the finding of the Court (R. 1069 *et seq.*) that

> "In the reallocation of 1928 following the enactment of the Davis amendment (act of March 28, 1928, 45 Stat. 373), the Commission found that conditions warranted the assignment of the frequency of 560 kc. to Station WIBO (originally established in April, 1925) and Station WPCC (originally established in July, 1924), and the assignment of the frequency of 1,360 kc. to Station WJKS (originally established in August, 1927). The evidence fails to disclose that there has been a material change in conditions since the reallocation of 1928."

In dealing with the question, Petitioner WJKS states that "Reason repudiates such a passive interpretation of powers conferred" upon the Commission, and cites as authority for the Constitutional power of Congress to grant the right to "delete" or "forfeit" stations the case of *American Bond & Mortgage Co. vs. U. S.*, 52 F. (2d) 318. It should be noted that the Court in that case, which grew out of the reallocation under the Davis Amendment, said:

> "Whether Congress was acting within its power to regulate the broadcasting stations *by ordering certain stations off the air* presents, of course, a closer question, which can only be solved by an examination of the facts to ascertain the *reasonableness* of the Commission's order."
>
> "* * * Every investment in broadcasting stations was subject to the exercise of *reasonable* and necessary regulation by Congress."

Further than that *no* Court has dealt with the ques-

tion or decided that it is constitutional in any event to destroy an investment in a station which is serving public interest, convenience, and necessity, on the mere request by another station that there be a forfeiture to it.

The reference by petitioner WJKS to the case of *Colorado vs. U. S.*, 271 U. S. 153, only proves that any regulation by the Federal Government based on a Constitutional right to regulate, must be *reasonable.* The permission given by the Interstate Commerce Commission to a railroad to give up or abandon, on its own request, a part of its road, is not the destruction, by the regulatory authority of the Federal Government, on the request of another railroad company, of facilities which the owner wishes to operate. There is no comparison.

The Court did not base its reversal of the case on the summary of the examiner. The opinion shows that the Court found that the examiner had carefully reviewed the established facts. It found that the Commission made certain findings. The Court then states its own findings, all of which are fully borne out by the record. Nowhere is it "apparent" that the Court did not examine the entire record. On the contrary, finding that the examiner, who *saw* and *heard* the witnesses, had made a careful review of the established facts, the Court concluded that the Commission had acted arbitrarily and capriciously because the Court could find no reason for the Commission's act of "destroying" respondents' stations other than that Indiana was under quota. The Court must have made a careful examination of the record to be able to determine that "the conclusively established and admitted facts furnish no legal basis for the decision of the Commission."

One cannot read this record and conclude that the Court has not thoroughly examined it; nor can one read it and conclude that the Commission gave any consideration whatever to any fact except that Indiana was under quota and respondents' stations must be forfeited to provide the means for extending the kind of service already rendered by WJKS.

No Proceeding Was Instituted Under Section 9 of the Radio Act to Revoke the Licenses of Stations WIBO and WPCC, and the Decision of the Commission, Based on the Premise of Forfeiture, Was Arbitrary and Capricious.

In its decision, in the "Preliminary Statement and the Issues," The Commission said:

> "The issue in this case is, whether or not the public interest, convenience and/or necessity would be served by the granting of this application *and the consequent forfeiture* of the facilities now assigned to stations WIBO and WPCC."

As correctly found by the Court of Appeals, with respect to Station WIBO (R. 1140):

> "There is not even a suggestion that it has failed to comply in any respect with the regulations of the Commission; on the contrary it affirmatively appears that this station has been operated in the public interest."

Section 14 of the Radio Act (c. 169, 44 Stat. 1168), which has never been amended or repealed, reads, so far as pertinent here, as follows (italics ours):

> "Any station license shall be *revocable* by the Commission for false statements either in the application or in the statement of fact which may be required by Section 10 hereof, or because of conditions revealed by such statements of fact as may be required from time to time which would warrant the licensing authority in refusing to grant a license on an original application, or for failure to operate substantially as set forth in the license, for violation of or failure to observe any of the restrictions and conditions of this Act, or of any regulation of the licensing authority authorized by this Act * * *. Provided that no such order of revocation shall take effect until thirty days' notice in writing thereof, stating the cause for the proposed revocation, have been given to the parties known by the Commission to be interested in such license. * * *."

The so-called Davis Amendment, which amended Section 9 of the said Act, provided for the allocation of licenses. It did not alter the provisions of Section 14 or repeal that section. The Act contains no provision for "removing," "deleting," "forfeiting" or "destroying" licensed stations. There is, therefore, no statutory power for the forfeiture of a station; the Order of the Commission is not a "fair and equitable" allocation of licenses under the Davis Amendment; and this attempt to revoke licenses without proceeding in the manner and on the grounds laid down by the statute, by "forfeiting" them is, we submit, arbitrary and capricious, and without any warrant in law.

Owing to the inconsistency with which the Commission found certain facts as to the service of respondents' stations WIBO and WPCC and then concluded with findings that petitioner's station WJKS

was entitled to an assignment of facilities that would destroy two existing, long-established stations which were serving public interest, convenience and necessity, this Court will not review the voluminous record and make an independent investigation as to whether the Court of Appeals has erred in finding in the record the evidence introduced on behalf of respondents.

If this Court should consider and decide the question whether there was substantial testimony, and whether notwithstanding such substantial testimony, the action of the Radio Commission was arbitrary and capricious, this Court would, in effect, constitute itself an administrative body, to decide an administrative question, at the instance of an applicant who had no legal right to the facilities applied for because, in law, they cannot be forfeited, nor even revoked in the manner sought.

Under the Radio Act the court does not enter the order; it remands the case to the Commission to carry out the court's judgment, but it is the legislative discretion of the court that is carried out. The court must examine the entire record before it can determine whether the facts found by the Commission, even if supported by substantial evidence, make the findings, *i.e.*, the conclusions, of the Commission arbitrary and capricious. As stated in *Crowell vs. Benson*, 285 U. S. 22, this Court said:

> "The recognition of the utility and convenience of administrative agencies for the investigation and finding of facts within their proper province, and the support of their authorized action, does not require the conclusion that there is no limitation of their use, and that the Congress could completely oust the courts of all determinations of fact by vesting the authority to make them with finality in its own instrumen-

talities or in the Executive Department. That would be to sap the judicial power as it exists under the Federal Constitution, to establish a government of a bureaucratic character alien to our system, wherever fundamental rights depend, as not infrequently they do depend, upon the facts and *finality as to facts becomes, in effect, finality in law.*"

In the instant case the Congress has given the Court of Appeals of the District of Columbia the jurisdiction to review not only questions of law, which must include questions where "finality as to facts becomes, in effect, finality in law," but jurisdiction to reverse the decision of the Commission where the "findings" (not findings of fact only) of the Commission are arbitrary and capricious.

The Court of Appeals decided (R. 1141):

> "The question, therefore, in this case is whether the decision of the commission assigning to the applicant station the frequency enenjoyed by Stations WIBO and WPCC since 1928 'and the subsequent forfeiture' of the assignment held by Stations WIBO and WPCC is a reasonable exercise of regulatory power or an arbitrary and capricious assertion of power.
>
> Station WIBO was established in April, 1925, and represents a total cost of about $346,000, less a reserve for depreciation of about $54,000. It employs 55 persons; has monthly operating expenses of from $16,000 to $18,000. It serves a radius of from 50 to 100 miles and, on the basis of its earnings, is estimated to be worth between $500,000 and $700,000. There is not even a suggestion that it has failed to comply in any respect with the regulations of the commission; on the contrary, it affirmatively ap-

pears that this station has been operated in the public interest.

Station WPCC was established in July, 1924, and is owned by the North Shore Church of Chicago. Prior to the installation of this broadcasting station, the church was largely in debt. The installation of the radio greatly increased the church's audiences. There are 20 radio stations in Chicago broadcasting about sixty hours of religious programs on Sundays, but there are practically no week-day spiritual programs broadcast except those of station WPCC. That the operation of this station has been in the public interest, clearly appears.

* * * * * *

We have repeatedly held that 'it would not be consistent with the legislative policy to equalize the comparative broadcasting facilities of the various states or zones by unnecessarily injuring stations already established which are rendering valuable services to their natural service areas.' Reading Broadcasting Co. vs. Fed. of Radio Comm., 60 App. D. C. 89, 48 F. (2d) 458; Chicago Fed. of Labor vs. Fed. Radio Comm., 59 App. D. C. 333, 41 F. (2d) 422.

* * * * * *

Station WIBO had been broadcasting for more than two years, and station WPCC more than three years, when station WJKS entered the field. The only apparent reason for granting the application of station WJKS and destroying the other two stations is that Indiana is underquota, which in the circumstances furnishes no substantial justification for the decision of the commission. As already observed, the evidence discloses that stations WIBO and WPCC have been and are 'serving public interest, convenience, and necessity' certainly to as great an extent as the applicant station. In our view, the conclusively established and admitted facts furnish no legal basis for the decision of

the commission. In other words, the decision is in a legal sense arbitrary and capricious."

THE FACTS.

The facts pertaining to the engineering and technical aspects of the case are dealt with in the Appendix, page 79, and the facts relating to the public interest, convenience and necessity served by the stations at page 87.

History and Financial Positions of the Stations.

WIBO has been in continuous operation since April 14, 1925 (R. 405), and by action of the Federal Radio Commission on November 27, 1928, with Station WISJ and Station WPCC, was assigned the 560 kc. frequency.

The station represents a total cost of $346,362.99, with a reserve for depreciation of $54,627.36 (R. 419-420). It earned, during the month of March, 1931, between $9,000 and $10,000 (R. 401). It employs 55 persons (R. 401) and has monthly operating expenses of from $16,000 to $18,000 (R. 402). The owner has a credit rating of $300,000 (R. 401). See also Examiner's findings (R. 1091) and the Commission's findings (R. 1128) confirming these facts, and balance sheet of the Nelson Brothers Bond & Mortgage Company (R. 1034).

On page 36 of the Brief of WJKS is the statement that

> "The court below attached great importance to the view of the examiner (as to the financial ability of station WIBO)," etc.

It should be noted that all that is said with regard to emphasis placed by the court "on the total cost of about $346,362.99" is moot, as the Commission itself found that the total cost of the station was $346,362.99 (R. 1128). Apparently it is only where the Commission overrules the examiner that the Commission is right. The statement that this is not a destruction of property in violation of the constitutional right to compensation is not borne out by the cases cited. It is not only a destruction of property but is not due process of law. It is immaterial whether the value be $346,000 or $1.

Station WPCC was established in July, 1924 (R. 145), and is owned by the North Shore Church of Chicago (R. 137). The church has been offered $800,000 for the church property (R. 142) and is the owner of a valuable radio transmission station. The installation of the radio has trebled the church's audience, its budget has increased from two to threefold the amount prior to the use of the radio; charitable disbursements for Thanksgiving and Christmas, 1931, were, respectively, $2200.00 and $2500.00, with maintenance of 34 families, distribution of tens of thousands of garments, payments of doctors' bills, employment of a nursing missionary, feeding of unemployed and other charities (R. 139). The church has adequate funds at all times to maintain the radio station, with a fund of $10,000 set aside toward the construction of a new station (R. 142).

Station WJKS commenced to broadcast after the granting of a license following a hearing in August, 1927, using a frequency of 1290 kc. with power of 500 watts and sharing time with Station WSBC of Chicago. Upon the reallocation in 1928, *i.e.*, the realloca-

tion based upon the Davis Amendment, the station was assigned to the 1360 kc. channel on four-seventh time, sharing the channel with station WGES, Chicago. After a complaint to the Commission of interference it was assigned 1250 watts daytime and 1 kw. night time power (R. 63). The station is owned by Johnson-Kennedy Radio Corporation, having a paid-up capital stock of $30,000, of which $20,000 is common stock and $10,000 is preferred (R. 80). Recently Ralph Atlas purchased one-half of the capital stock for $15,000. Thomas J. Johnson, president of the company, testified that he and his wife had put into the corporation from $50,000 to $60,000. The company had never declared a dividend and had not been run strictly as a corporation (R. 96). Both the Examiner and the Commission found that WJKS had a paid up capital stock of $30,000, of which Johnson, the president, and his wife owned 50 per cent and Atlas, the treasurer, the other 50 per cent. The Examiner found that Johnson estimated the value of the station to be between $75,000 and $100,000, but mentioned the sale of 50 per cent of the stock to Atlas for $15,000. The Commission found that the station rates an investment of approximately $75,000 (For the Examiner's findings, see R. 1083; for the Commission's findings, R. 1125). The company had $10,000 in the treasury (R. 96). WJKS was interested in charities and during the Christmas season of 1930 conducted a drive. The president of the company testified that the "money was very, very small,—probably a couple of hundred dollars" (R. 86), but they collected thousands of garments and considerable food.

During the pendency of this case and in another matter both Station WIBO and Station WPCC were found

by the Examiner to be serving public interest, convenience and necessity on their present assigned frequency of 560 kc. and sharing time with each other. (See Examiner's report, R. 1091.)

The Commission ignored the facts that, while both Indiana and Illinois are under quota in regional stations, Indiana has more regional station assignments in proportion to its quota than has Illinois.

The primary provision of law in this field is Section 9 of the Act of February 23, 1927, to the effect that the licensing authority, if public convenience, interest or necessity will be served thereby, shall grant to any applicant a station license, and requiring that in considering applications for licenses and renewals, "when and in so far as there is a demand for the same," it shall make such distribution of licenses, bands of frequency or wave lengths, periods of time for operation and power among the different states and communities, as to give "fair, efficient and equitable radio service to each of the same" (*i. e.*, licensees). This Act resulted in numerous stations, confusion of service, and the so-called chaotic condition which brought about the Davis Amendment in the Act of March 28, 1928.

The three principal stations involved herein, WJKS, WIBO and WPCC, were licensed in the light of the Davis Amendment on the reallocation which followed that Act in November, 1928. Nothing has occurred since that time to alter the facts then existing presently adduced before Chief Examiner Yost at the hearing herein which resulted in his report recommending the denial of the application of WJKS, Gary, Indiana, for the wave band and total hours used by WIBO and WPCC in Chicago, Illinois.

The Davis Amendment declares that the people of all the zones are entitled to ~~equity~~ equality of radio broadcasting service, both of transmission and of reception; that the licensing authority shall, as nearly as possible, make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation and of station power to each of the zones, when and in so far as there are applications therefor, and shall make a fair and equitable allocation of licenses, wave lengths, time for operation, and station power to each of the States, the District of Columbia and possessions of the United States within each zone, according to population. This the licensing authority shall carry into effect, whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power when applications are made for licenses or renewals of licenses. This constitutes the principal command of the statute in regard to the allocation.

By its General Order No. 92 of June 17, 1930 (R. 1069) the Federal Radio Commission undertook to erect a unit basis by which stations would be classified and unit values be given thereto, and thus by a division of the unit values in the zones, states, District of Columbia and territories, equality of service could be assigned, proportioned per zone and subdivisions thereof.

General Order No. 92 concluded with the statement that:

> "The quota of broadcasting facilities to which each state is entitled shall be determined and fixed as herein provided and in accordance with

> values in units for various classes of stations above set out."

In the "Explanation of General Order No. 92 and the Revised Quota Tables," July 2, 1930, the Commission undertook to explain the principles adopted in the General Order, set forth tables showing the details of the quota units by zones and States (R. 751) and found certain states "over quota" and certain states "under quota," and concluded with this statement (R. 757):

> "As pointed out, the distribution of radio facilities can never be exactly proportional, but it is evident that conditions will be gradually improved as some stations which are financially unsound 'go off the air' and other assignments are transferred from 'over quota' to 'under quota' areas."

Thereafter, General Order No. 102 (R. 1072), of January 8, 1931, was promulgated. That order recited that the first and second zones were under quota and the remaining three zones over quota; that a number of states were over quota, and a number of states under quota, and that applications from under quota states were pending; ruled (1) that no further allocations would be made to over quota zones which would increase quota; (2) that applications from under quota states in zones which have already allocated to them their pro rata share of facilities should be for a facility already in use in that zone by an over quota state; (3) that no further facilities should be given to an "over quota" state; (4) that applications from "over quota" states should be for facilities already in use in that state; and (5) that an application from an

under quota state in an under quota zone should be either for facilities in an over quota state within that zone or an over quota state in an over quota zone.

The order then provides that since the Commission has classified stations according to power into clear channel, regional and local stations, and has allocated frequencies for the use of each of the classes, applications should be for the frequencies set aside by the Commission for the character of station applied for. We assert that the Commission's own order thus recognized that quota was subdivided according to station class to zones and states.

It was under this General Order that WJKS, having applied on September 26, 1930, for a frequency of 560 to 610 kc. instead of its existing 1360 kc. and unlimited time of operation, amended its application, by telegram of February 16, 1931, claiming the original frequency of WIBO and WPCC of Chicago as the stations which WJKS sought to deprive of their frequency and time.

We point out that while, according to the testimony of A. D. Ring, Federal Radio Commission Engineer, Illinois, in the Fourth Zone, is over quota in total radio facilities by 40 per cent, or 11.15 units, it is under quota in regional station facilities by approximately 60 per cent, or 4.36 units. Indiana is under quota in total radio facilities by approximately 20 per cent, but is under quota in regional facilities by only 18 per cent or 0.57 units. The assignment of station WJKS on the 560 kc. frequency and the deletion of WIBO and WPCC therefrom would decrease the present low Illinois regional assignments so that it would be approximately 72 per cent under quota in regional stations; and would increase the Indiana quota to within 4.5

per cent of the regional station quota due it. (See Examiner's Report R. 1087-1088 and testimony of Ring, R. 107-108, 113, 122, and consult quota table page 86 under heading "*Technical Facts.*")

We assert that the Commission, assuming its power to delete existing and otherwise good stations in aid of quota adjustments, has departed from the principle set forth in its classification of stations under General Order No. 92, and by ordering the deletion of regional stations in Illinois in favor of an Indiana station to which the frequency is transferred, has violated the command of Congress by increasing the under-quota condition of Illinois in favor of the already superior condition of Indiana with respect to regional stations.

Following the general reallocation of 1928, Indiana was in a superior position with respect to regional stations as against Illinois. The Commission's present order, by increasing the disparity in favor of Indiana, violates the principle and countervenes the command of Congress found in the Davis Amendment.

The Commission's order is contrary to the statute in that, by virtue of its own order No. 102, the Commission has not exercised its own discretion in deletion of stations and transfer of facilities, but has foreclosed itself to exercise discretion, by permitting the applicant station in Indiana to select the station or stations and the facilities thereof, in Illinois, which it would remove from Illinois to its own possession and use in Indiana.

The Davis Amendment contemplates equitability of radio facilities according to population, and invests the Federal Radio Commission with the establishment thereof within the terms of the law. This the Com-

mission, by this decision, and acting under its General Order No. 102, undertakes to accomplish by authorizing an applicant in a gross under quota state to apply for a facility in use by a station in a gross over quota state. In one of its grounds for decision (Ground No. 5, R. 1130) the Commission bases its action primarily on increasing facilities in Indiana and decreasing facilities in Illinois. It is submitted that by limiting its action, under General Order No. 102, to the facilities selected by an under quota state applicant, the Commission, *pro tanto*, abandons its exercise of discretion and places such discretion with the applicant for the facilities; and that it is the primary action of the applicant station, in naming the facility which it wishes to secure, such as occurred in this case, that controls or limits the decision of the Commission. To this extent the Commission surrenders to a large and fundamental extent its power to allocate facilities for the public interest, convenience and necessity and places not only the power to allocate, but the power to delete stations in the hands of an applicant. The transactions in this case are illustrative of the evil thus engrafted upon the law and the procedure thereunder.

WJKS applied for another frequency and full time, mentioning instead of its existing band of 1360 kc. a frequency within the 560/610 bands. Following General Order No. 102, the applicant, by telegraph, stated that it desired WIBO and WPCC, Chicago, as the "stations to be removed." In its final disposition of the case the Commission found itself bound, if it acted favorably on the application of WJKS, to act within the limits of this selection by WJKS and without consideration of the general field of radio broadcasting in the several states of the Fourth Zone, or of other zones

and states, districts and territories, within the United States, and without consideration of the comparative effect upon public interest, convenience and necessity of the destruction of established stations found, even pending consideration of this case, to be serving public interest, convenience and necessity.

It is submitted that the Davis Amendment, even if authorizing deletion of otherwise well established and properly operating stations solely for the purpose of equalization, does not contemplate any process of transfer of facilities from one state to another, or from one zone to another, by mere selection by an applicant of the station or stations to be deleted. Assuming this power and sanction, such action can be taken by the public authority vested by Congress therewith, only on a survey aimed at accomplishing deletion, transfer and investing of the facilities in the general public interest, convenience and necessity.

Stations threatened with deletion are in justice entitled to examination in company with other stations in like posture and jeopardy; and to public ascertainment, on hearing and consideration, of respective utility in the public interest, convenience and necessity, prior to final order of deletion and surrender of facilities to an under quota state or zone applicant.

Such survey was made in the general reallocation of 1928. Independent and neutral consideration should, all other questions of law aside, be undertaken by the Federal Radio Commission prior to transfer of facilities, especially where such action involves deletion of stations long established and representing large investments. To tolerate the mere suggestion of facilities to be transferred and stations to be deleted, at the motion of the interested applicant alone, and to permit

the Federal Radio Commission to find itself bound within such limit as controlling its action under the Davis Amendment, is to subject stations in those zones or states which have been heretofore allowed to become over quota, to the mere wish and whim of individual applicants in under quota areas, the under quota condition of which is no wise attributable to the stations named by a hostile applicant for deletion.

The action of the Commission in entertaining the application in this case, as amended by telegram following the promulgation of General Order No. 102, constituted arbitrary and capricious action, in that it permitted the applicant to select the facilities of and name the stations to be deleted, in its own interest, and gave no consideration whatever to other stations in Illinois, or elsewhere, the facilities of which might meet applicant's asserted requirements and the transfers of which might meet the public interest, convenience and necessity more appropriately under the Davis Amendment than those automatically to be taken or in the language of the Commission as to the issue in this case (R. 1125), "forfeited" by WIBO and WPCC.

In other words, the naked action of the applicant, in naming the station or stations of which applicant desires to strip the facilities, forecloses the Commission, according to its action in this case, from giving general consideration to the field and from making that "fair and equitable allocation of licenses, wave lengths, time of operation and station power," which is the primary command of the Davis Amendment as to states within a zone.

Contrast of the services rendered by the stations involved and technical character thereof.

An examination of the evidence, the synopsis thereof in this brief and the findings, both of the Chief Examiner *and the Commission,* discloses that WJKS has been purely a local and neighborhood station, confining its chief activities to the City of Gary, Indiana, and claiming to serve the Calumet region.

The proprietor, Johnson (R. 90), in answer to a question by Chief Examiner Yost, stated that the same character of program would be employed in full time operation, for the greater accommodation of the people, the primary purpose of the application being to secure full time (R. 67); although he stated, in response to a question by the Chief Examiner as to what was wrong with the present assignment, that they encountered interference. None the less, no application for change in assignment had been made prior to the application here involved, since the general reallocation of 1928.

It is noticeable that no application has been made in the interest of full time for WJKS with respect to Station WGES, Chicago, which shares time with WJKS on the 1360 kc. channel (R. 63). As a practical matter, the good service found to have been furnished by WJKS continued for approximately three years on its present assignment of 1360 kc.

Asserting that it served the steel mill population and wished to maintain 24-hour service in view of the three-shift operation of the steel mills in Gary and the Calumet area, the representatives of the station none the less admitted that it has failed to broadcast on its present partial time for from two to three hours in

the morning, and uses from two to three hours per day in broadcasting records; this in the face of assertions that the additional time demanded through deletion of WIBO and WPCC is necessary in order that WJKS might increase accommodations to the Gary neighborhood, by broadcasting school children's recitals, school band concerts, information for steel workers, and, as stated by the Witness Johnson, for mere extension of the existing character of programs.

It is submitted that WJKS can not fairly be heard to demand additional time at the cost of deletion of two valuable stations in Chicago and the "consequent forfeiture" of the latter's facilities, when in fact, by the admission of its own representatives, WJKS now abandons part of the time already assigned to it and employs from two to three hours of the rest of the time each day in broadcasting phonograph records.

Furthermore, denying that it was a commercial station and asserting that it was maintained only in the interest of the community, the representatives of Station WJKS admitted that they made constant "spot announcements," for hire, at approximately five-minute intervals during the broadcasting, which announcements, as stated by the station program director, "disrupted" their programs, to say nothing of fifteen-minute interval announcements, during the season, of the Gay Mill Ball Room, owned by the Johnson family, from which the broadcasts emanate.

With sixty or more foreign languages spoken in Gary and the Calumet District, and ten of said languages being broadcast regularly, the station can serve only a small part of the population understanding such languages at any given time of a foreign language broadcast. None the less, except for alleged lack of time,

and alleged interference on the 1360 kc. channel, representatives of the station asserted that it had been successful, had served the community well and was otherwise satisfactory.

We assert that since the existing assignment of time has not been completely used by the station, or has been used for purposes other than those for which additional time is sought, the station can continue to maintain its present usefulness in broadcasting for the community it undertakes to serve, on its present assignment; and that so far as alleged interference now encountered on the 1360 kc. channel is concerned, no evidence has been adduced that it encounters more interference than is inevitable on a regional channel; nor is there any evidence that less interference would be encountered on the 560 kc. channel. On the contrary the evidence tends to suggest, as found by the Chief Examiner, that its nearest sharer of the 560 kc. channel would be in closer proximity on the 560 kc. channel than its present nearest sharer on the 1360 frequency.

All the evidence in the case indicated the high quality of the programs furnished on the commercial Station WIBO; and the clear evidence was that Station WPCC furnished spiritual broadcasts and engaged in religious and charitable work of great value. The latter station is the only station in Chicago broadcasting weekday evening religious programs. As to quality of service and competent employment of their broadcasting facilities for the public convenience, interest and necessity, both WIBO and WPCC have had the approval, after hearing and within the period of this controversy, in other proceedings, by Chief Examiner Yost, and no question of any kind has been raised as to the quality, propriety or excellence of the broadcasts of these two stations in their respective fields.

No assertion can be made, based upon the record, that WIBO programs are duplicates of programs of other stations in Chicago unless all evidence is discarded as to its relationship with the Chicago Evening American, the Publix-Balliban & Katz Theatres, its use of National Broadcasting Company's programs not otherwise available to the Chicago area, the popularity of the station through its broadcasts of sports, aviation and other programs of entertainment, educational, religious and diverse feature character and its relationship to television development through its associated television station. Nor can the suggestion indulged by the Commission, that the Moody Bible Institute station, WMBI, furnishes programs similar to those of WPCC, be established from the record. On the contrary, WMBI broadcasts only during the daylight hours. WPCC furnishes four weekday evening broadcasts per week and engages in activities, through its radio station, not duplicated in the entire area, to say nothing of its sustenance of missionaries in the field.

Any just examination of the evidence will disclose careless and slipshod management of Station WJKS, as contrasted with the skillful and attentive operation of the two Chicago stations ordered to be destroyed by the Commission's decision.

WIBO's technical character and operation are unquestioned. The same may be said of WPCC. WPCC, in its arrangement with WIBO, broadcasts its weekday programs over the WIBO transmitter. The latter is located at Des Plaines, some 25 miles northwest of the Chicago Loop, entirely outside the congested area, and is capable of and is operated at maximum efficiency.

As against these facts respecting WIBO and WPCC,

the applicant station, WJKS, introduced no substantial technical evidence as to the efficiency of its apparatus; and its engineering evidence, introduced by one witness, Falknor, in relationship to interference, failed to show proper engineering evidence thereof, or any such technical examination of the transmitting station at the Gay Mill Ball Room, Gary, as would establish that the applicant station either had efficient equipment or operated the same to secure the full value of the facilities which it now enjoys in power output, or had exerted itself to overcome technically the interference it complained of.

As to public interest, convenience, or necessity, attention is called to the fact, as shown by the exhibits (R. 910 *et seq.*), that the people of the area served by WIBO, including the Calumet District, have for a period of years learned to know WIBO as using the 560 kc. channel, at the "Top of the Dial." The expropriation of this frequency channel, under this application, would, therefore, bestow upon the applicant not only the facilities of Stations WIBO and WPCC, but also the good will, not only in the Gary and Calumet area, but in the Chicago area itself, created by WIBO in its education of the people of the region to the use of this channel and this place on the dial for radio service. That is, the people accustomed to the service of WIBO on this frequency, and of WPCC thereon, would find the programs to which they have been accustomed substituted by such service as WJKS has furnished and states it proposes to continue to furnish if allotted appellants' facilities. In other words, the entertaining, religious and other general service programs of WIBO and WPCC would be taken off the air and replaced on the 560 frequency by such programs

as would be furnished for entertainment and amusement to their own community by the neighborhood broadcasters, including foreign language speakers, for whom the representatives of WJKS assert the Gary station is largely maintained. To state the proposition in still other words, the 560 kc. frequency would be withdrawn from stations maintaining diversified programs for the listeners' benefit and enjoyment and bestowed upon a station allegedly maintained for the benefit of amateur broadcasters, rather than for the listening public, within the region.

Geographical Element Involved.

Applicant grounded its claim, under General Order 102, on the alleged gross underquota condition of Indiana, as against Illinois, and asks for the forfeiture of the regional frequency in Chicago assigned to WIBO and WPCC, despite the fact that Indiana is superior, in regional assignments, to Illinois. It wishes to employ the facilities, however, at Gary, Indiana, on the northern lake boundary of Indiana and twenty miles from the Illinois line (See R. 86). So far as reception is concerned, Northwestern Indiana enjoys all of the regional and cleared channel services operated in the Chicago metropolitan area. No benefit comes to Indiana by the allocation of present Illinois broadcasting facilities at the extreme northwestern corner of the State of Indiana, the population of which is able to receive all of the broadcasts made in the Chicago district as well as the present service furnished by WJKS at Gary; no benefit accrues to the State of Indiana through the transfer of the WIBO and WPCC facilities from Chicago to Station WJKS;

and no public convenience, interest, or necessity is promoted, either for the State of Indiana or the Fourth Zone, by the arbitrary transfer of the facilities to Gary and the deletion of the two Chicago stations.

On the contrary, the service to the listeners of the Chicago metropolitan district and the northwestern part of Indiana is deprived of the services of two stations deleted without substitution therefor of anything to the benefit of Indiana as a whole.

The decision of the Commission presents merely an arbitrary and capricious action, ungrounded in law or fact, as furnishing improvement for the public convenience, interest, or necessity, either to Northwestern Indiana or Indiana as a whole; but, in accomplishing such result, stations of long duration, great capital investment, and established good will with the listening public of the entire area in both Indiana and Illinois are to be deleted from the air and their properties destroyed.

The Commission acted capriciously and arbitrarily in overruling the recommendation of its Chief Examiner, and in reversing his findings on exceptions by WJKS without hearing the other parties affected.

The Chief Examiner's report in this case (R. 1082) included a review of the substantial evidence and the technical features involved, and referred to the rule announced by the Court of Appeals in *Chicago Federation of Labor (Station WCFL) vs. Federal Radio Commissioner,* 59 App. D. C. 333, quoting therefrom as follows:

> "It is not consistent with true public convenience, interest, or necessity that meritorious

stations * * * should be deprived of broadcasting privileges when once granted to them which they have at great cost prepared themselves to exercise, unless clear and sound reasons of public policy demand such action. The cause of independent broadcasting in general would be seriously endangered and public interests correspondingly prejudiced if the licenses of established stations should arbitrarily be withdrawn from them and appropriated to the use of other stations."

The Chief Examiner then concluded (R. 1093):

"1. The burden is upon the applicant seeking the frequency assigned another station, to prove by a preponderance of the evidence that public interest, convenience and/or necessity would be served by assigning applicant the frequency sought.

2. The applicant failed to prove that less objectionable interference would result from the operation of Station WJKS at Gary on the 560 kc. channel than now results from the operation of this station at Gary on its present assigned frequency of 1360 kc.

3. General Order No. 116, requiring all radio broadcasting stations operating between 550 kc. and 1500 kc. to maintain their assigned frequencies within the limits of 50 cycles above and 50 cycles below such frequencies, should, when in effect, reduce the interference now occurring within the service area of Station WJKS and as a consequence improve the service of this station.

4. Applicant station, WJKS, is rendering a commendable public service on its present part time assignment on the 1360 kc. channel. However, the service of Station WJKS would be improved by the installation of the most modern

radio equipment and the operation of this station in the most efficient manner on its present frequency.

5. It is possible more objectionable interference would result from the operation of Station WJKS on the 560 kc. channel than now results from the operation of this station at Gary on the 1360 kc. channel, since Station WNOX at Knoxville, Tenn., is separated from Gary by a distance of only 440 miles, whereas the nearest station on applicant's present assigned frequency, operating with 1 kw., is at Syracuse, N. Y., separated from Gary by a distance of 600 miles.

6. Stations WIBO and WPCC are meritorious stations, serving public interest, convenience and necessity. The owners and operators of these stations have at great cost prepared themselves to exercise the broadcasting privileges heretofore granted them by the Federal Radio Commission, and in the opinion of the Examiner, clear and sound reasons of public policy demand that these broadcasting privileges be not taken from them and assigned to applicant station.

7. Stations WIBO and WPCC provide radio service for the people within the service area of applicant station.

8. The people of Gary and the Calumet Region receive a large proportion of their radio broadcasting service from stations operating in the State of Illinois, none of which service may be charged against the quota of the State of Indiana.

9. In the opinion of the Examiner, there is nothing in the Radio Act of 1927, the Davis Amendment thereto, or the Commission's General Order No. 102, to justify the granting of this application, involving as it does the practical destruction of Stations WIBO and WPCC, erected, as they have been at great cost, operating by authority of the Federal Radio Commis-

> sion, and now serving public interest, convenience and necessity. Moreover, the applicant failed to prove to the satisfaction of the Examiner that the granting of this application would serve public interest, convenience and necessity."

All of the findings of the Examiner were buttressed by the evidence taken before him over a period of 7 days' hearings, and the Examiner recommended denial of the application (R. 1094).

Thereafter, on August 14, 1931, at great length, the applicant (R. 1095-1124) excepted to the Chief Examiner's report and prayed for oral argument in support of the exceptions.

Without notice to respondents WIBO and WPCC, or other parties interested, and without setting of the exceptions for oral argument, the Commission, October 16, 1931, entered a "Statement of Facts, Grounds for Decision and Order of the Commission" (R. 1124).

In its "Preliminary Statement and the Issues," the Commission concluded with the following (R. 1125):

> "The issue in this case is, whether or not the public interest, convenience and/or necessity would be served by the granting of this application and the consequent forfeiture of the facilities now assigned Stations WIBO and WPCC."

The "Statement of Facts" made by the Commission (R. 1125-1130), in contrast with the Chief Examiner's findings and with the record at large, indicates absence of any complete survey of the evidence or of examination of the technical facts pertaining to the operation of Station WJKS on the 1360 kc. channel or of the probable consequence of its attempted operation on 560

kc. or attempt to employ the legal principles applicable to the situation as announced by this Court in the *Chicago Federation of Labor* case, *supra*. Particularly no reference was made or apparent consideration given to the regional station assignments of Indiana and Illinois in relationship to their quota in that regard, as discussed under the preceding heading in this brief.

As to the exceptions filed by the applicant, the Commission said (R. 1130):

> "With many of the applicant's exceptions, and the objections to certain findings of the Examiner contained therein, the Commission is in agreement. With much of the matter recited in said exceptions, the Commission is not in accord."

No effort as made by the Commission to indicate what particular exceptions were sustained or denied.

The "Grounds for Decision" (R. 1130) are empirical, not consonant with the testimony and evidence, or with the Chief Examiner's findings drawn therefrom, and in ground No. 5 the Commission ignores the different classes of radio stations and the outstanding fact that Indiana is superior in assignments of regional stations, as against Illinois.

Contrasted with the evidence at large on the record and with the conclusions therefrom by the Chief Examiner, who heard the evidence, the "Statement of Facts" can not be said, as required by the law, to be supported by substantial evidence, and the findings of the Commission appear to be capricious and arbitrary.

In the face of testimony, by experts, that the substitution of the 560 kc. channel in place of the present 1360 kc. channel assigned to WJKS would be of uncer-

tain result, and the conclusion of the Chief Examiner (No. 5, R. 1093), that more objectionable interference would possibly result through the shortening of the distance between WJKS and Station WNOX, Knoxville, Tenn., the nearest station on the 560 kc. channel, as against the distance between WJKS and Syracuse, N. Y., 600 miles away, on its present 1360 kc. channel, the Commission none the less concluded, in its ground for decision No. 4, as follows:

> "The granting of this application and deletion of Stations WIBO and WPCC would not increase interference within the good service areas of any other stations."

This conclusion was not supported by evidence and can be treated only as an arbitrary and capricious finding, unsupported by substantial evidence.

It is asserted that:

1. The findings of fact made by the Commission are unsupported by substantial evidence; and

2. The findings of the Commission are, on their face, arbitrary and capricious.

It is further asserted that the action of the Commission in entertaining the exceptions, agreeing therewith in part and disagreeing therewith in part, and proceeding to judgment without notice or hearing to appellants, demonstrate caprice and arbitrariness on the part of the Commission.

Petitioner WJKS contends that the Commission did not err in disregarding the alleged cost of WIBO. The Court found, however, as did the Commission, that the cost of the station was $340,000. It makes no difference what the amount is, if the destruction is contrary to law, and all the argument regarding the

financial responsibility is of no avail in the face of the finding by the Commission.

Petitioner WJKS quotes many definitions of the word "arbitrary." All of them prove that the Federal Radio Commission in this case acted only according to its own will and arbitrarily. It willed to destroy the two stations, as its opening statement shows, and it did so, without any reason.

WJKS in its argument that the Commission did not act capriciously quotes definitions of the word "caprice." It is shown to mean "apt to change suddenly." The Commission did "change suddenly" after ordering stations WIBO and WPCC forfeited, when it "increased" the facilities in use in Chicago in the case of WCFL.

The cases cited as sustaining the dissenting opinion of the two justices who dissented deal with matters arising under the Interstate Commerce clause of the Constitution. We have referred above to the case of *Colorado vs. U. S.* In that case there was nothing taken from the railroad company.

In *Atlantic Coast Line vs. Goldsboro,* 232 U. S. 548, 558-9, it was held that the police power to protect users of the street could reasonably curb the use of the street by the railroad; but in that case there was not the taking of the facilities of the railroad by another railroad because compliance with law and successful operation of the road made it advantageous to an applicant to secure its forfeiture for applicant's benefit. The rule there laid down was that police power could not be bargained away, and contract and property rights are subject to *fair* exercise. Drainage, safety, health, and not destruction: reasonably necessary, not arbitrary, regulations are held to be valid.

In *Greenleaf-Johnson Lumber Co. vs. Garrison,* 237 U. S. 251, which is referred to in the dissenting opinion, there was a removal of an obstruction for public benefit, and not a taking of the property and an assignment of it, for the same purpose, to another in the same business. It might as well be argued that under its power to regulate Commerce Congress could authorize a regulation as to how many trains can run on a certain road and that Indiana corporations could take over the franchises to run trains coming in from Illinois. In short, all depends upon *reasonableness,* and upon necessity. It is believed that there is no necessity on the part of the public which requires that it be served with the broadcasting programs of station WJKS. In time of war or other emergency the interests of the Government, being the interests of the public, may dictate what broadcasting must be stopped by whatever broadcasting station such stoppage may be required in the interest of the public; but furnishing programs paid by a sponsor gives no reason for providing the one who desires to furnish additional programs with the facilities of the station he most desires to obtain. This is not a necessity.

THE LAW.

This Court has not decided the principle of law here involved. It has denied writs of *certiorari* on the ground that it has no jurisdiction to review so-called appeals from the Court of Appeals of the District of Columbia acting in a supervisory capacity over the Federal Radio Commission and it has refused to review cases on certificate from the Court of Appeals of the Seventh Circuit.

It is submitted that the decisions of the Court of Appeals of the District of Columbia have established the sound principles of law that statutes regulating broadcasting facilities must be interpreted to mean a reasonable regulation.

The Court of Appeals has reviewed many cases on appeal from the Federal Radio Commission's decisions under its jurisdiction created by Section 16 of the Federal Radio Act as amended.

In the case of *Reading Broadcasting Company vs. Federal Radio Commission*, 60 D. C. App. — (48 Fed. (2d) 459), on hearing by the Commission it was shown that improvement in transmission would aid the service of the station without change of frequency or power, while a change in the facilities would result in interference with two other stations. The Court found that the findings of the Commission were sustained by the evidence. The Commission had also found that public interest, convenience and necessity would not be served by awarding a frequency which would cause interference. The Court said:

> "We concur in these views, for it would not be consistent with the legislative policy to equalize the comparative broadcasting facilities of the various states or zones by *unnecessarily injuring stations already established* which are rendering valuable services to their natural service areas. The paramount consideration after all is the public interest, convenience and necessity and we are convinced upon a review of the record that the Board's conclusions are in line therewith." (Italics ours.)

Applying this authority to the case at bar, we submit that the elements present in the Reading Broad-

casting Company case are pointedly applicable here. The deletion of WIBO and WPCC would injure, actually destroy, stations already established and rendering valuable service in their natural service areas, to wit, the metropolitan district of Chicago and Northwestern Indiana. It must be kept in mind that WJKS, while complaining of interference on 1,360 kc., seeks principally additional time, but demands the 560 frequency, with possibly greater interference on that channel than on its existing channel. WJKS seeks but 3/7 additional time at the expense of the entire time of the two important stations to be destroyed, and without consideration of other possible sources of acquiring such time.

In *Chicago Federation of Labor vs. Federal Radio Commission,* 59 App. D. C. 333, the appellant (Station WCFL) sought modification of its license from its regional channel assignment to a cleared channel in the Fourth Zone, shared by WBBM, Chicago, and KFAB, Lincoln, Nebraska. The Federal Radio Commission denied the application. The Court said:

> "It is manifest that if the frequency in controversy, to wit, 770 kc., be granted to station WCFL for full time operation as contended for by that station, it means that stations WBBM and KFAB shall be denied the use of the frequency which they have hitherto enjoyed, without being given any substitute therefor in this proceeding. In the present overcrowded condition of the broadcast band, and in view of the fact that the Fourth Zone already enjoys more than its proportionate share of the cleared channels, the result would be that these two stations would be deprived of the broadcasting privileges now enjoyed by them, with but little hope for improvement in the future."

The Court reviewed the history of the two stations which would be deleted and found that in each case the "commendable career entitled it to consideration."

The Court further said:

> "It is not consistent with true public convenience, interest, or necessity, that meritorious stations like WBBM and KFAB should be deprived of broadcasting privileges when once granted to them, which they have at great cost prepared themselves to exercise, unless clear and sound reasons of public policy demand such action. The cause of independent broadcasting in general would be seriously endangered, and public interests correspondingly prejudiced, if the licenses of established stations should arbitrarily be withdrawn from them, and appropriated to the use of other stations."

We submit that the principle thus announced by the Court applies in the case at bar. Conceding, as stated by the Court, that all broadcasting privileges are subject to reasonable regulatory power of the United States and that public interest, convenience and necessity are the paramount considerations, the action of the Commission in the instant case deprives WIBO and WPCC of their broadcasting privileges, not only with little hope for improvement in the future, but with a direct order of present destruction. The order appropriates their privileges to another station and appellants' meritorious stations leave the air, with the injury to the public interest consequent upon the arbitrary action of the Commission. We repeat that the Commission stated (R. 1125) that "*The issue in this case is whether or not public interest, convenience and/or necessity would be served by the granting of*

this application and the consequent forfeiture of the facilities now assigned stations WIBO and WPCC."

We assert that this forfeiture is proposed by the Commission without any proceeding to revoke licenses and without clear and sound reasons of public policy demanding such action, grounded either in fact or in proper application of law, and that such forfeiture ignores the principles announced by the Court of Appeals.

In *Strawbridge & Clothier vs. Federal Radio Commission*, 57 F. (2d) 434, the Radio Commission refused the application of Station WFI, Philadelphia, Pa., for increase of power from 500 watts to 1,000 watts. The station operates on a frequency of 560 kc., sharing time with Station WLIT, another Philadelphia station. The 560 kc. regional frequency is the channel here demanded by WJKS of WIBO and WPCC. Strawbridge & Clothier (WFI) were interveners in the Court of Appeals (R. 12, 29) and their petition of intervention (R. 15) shows that WFI was not noticed as to the pendency of the application of WJKS here involved and was without opportunity to be heard. The intervention complains of the reduction in distance between Strawbridge & Clothier's transmitter on the 560 kc. which would result by the transfer of the 560 kc. frequency from the WIBO transmitter at Chicago to the WJKS transmitter at Gary, Indiana.

In the case appealed by Strawbridge & Clothier to the Court of Appeals, the Commission had denied the application of WFI on the grounds:

> (1) That the city of Philadelphia and surrounding area now receives a good broadcasting service; (2) that the granting of the application would result in objectionable interference be-

tween appellant's station and stations now operating on the same frequency; (3) that the granting of the application would likewise result in objectionable interference between appellant's station and stations upon the adjacent frequency of 570 kc.; and (4) that the public interest, convenience or necessity would not be served by granting the application.

The Court said:

"Appellant contends that the commission erroneously interpreted the provisions of the act of March 28, 1928 (c. 263, 45 Stat. 373), known as the Davis amendment, which provides that the licensing authority shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power, to each zone when and in so far as there are applications therefor; and that 'the licensing authority shall carry into effect the equality of broadcasting service hereinbefore directed, whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewals of licenses.' It is insisted that because Philadelphia is in an underquota State and an underquota zone it was the duty of the commission to reduce the power assignments of WQAM, WIBO, and WNOX to an extent that would avoid any interference caused by the granting of appellant's application.

"In its General Order No. 102, adopted January 8, 1931, the commission provided, in part, that 'an applicant from an underquota State in an underquota zone may apply either for facilities in use in an overquota State in that zone or

an overquota State in an overquota zone.' This provision obviously places upon an applicant the burden of proving that it would be for the public interest, convenience, or necessity to reduce the power of one station for the benefit of another. Many elements must be considered in the determination of that question. In the present case the commission has found that Philadelphia is now receiving good broadcasting service and that the granting of appellant's application would not materially better that service, but would materially affect the service of other stations. Appellant has entirely failed to prove that the reduction in power of the stations at Miami, Fla.; Chicago, Ill.; and Knoxville, Tenn., operating on the same frequency, would be to the public interest, convenience, or necessity. See *Reading Broadcasting Co. vs. Fed. Radio Com.*, 60 App. D. C. —, 48 F. (2d) 458, 59 W. L. R. 395; *KFKB Broadcasting Ass'n vs. Fed. Radio Com.*, 60 App. D. C. —, 47 F. (2d) 670, 59 W. L. R. 208.

"We are constrained to affirm the decision."

We submit that this most recent decision of the Court of Appeals is sound and should be substantially controlling in law on the disposition of the present case. It involves the application of General Order No. 102. The appellant, WFI, relied upon the naked proposition that a broadcaster in an under quota State could demand reduction of facilities in an over quota zone or State in the interest of equalization, but the Court adhered to the principle announced in the case of *Reading Broadcasting Company vs. Federal Radio Commission, supra.* It further said, in commenting upon General Order No. 102, that the applicant bore the burden of proving that it would be for the public interest, convenience and necessity to reduce the power

of one station for the benefit of another. The question involved did not go to the extent of the destruction of other stations for the aid of the applicant's station, but only to the reduction of power of the stations to be affected.

It is true that the Court sustained the Commission's action, but the application of the principle here should result in reversal of the Commission's drastic order now being considered. It can not be said that the applicant WJKS has sustained the burden of proving that it would be for the public interest, convenience or necessity *to destroy Stations WIBO and WPCC merely that Station WJKS may substitute the 560 kc. channel for its present 1360 kc. channel and secure, by virtue of such destruction, an additional three-sevenths time for operation of its station at Gary.* Petitioners have shown no substantial improvement of service for Gary and the Calumet region, or for Indiana; in fact, they claim the destruction of stations serving the very area in behalf of which they demand equalization of facilities. The Court of Appeals says that many elements must be considered in the determination of what is for the public interest, convenience or necessity, in the reduction of the power of one station for the benefit of another. Certainly many elements must be considered in the broader question of the entire destruction of two stations in order that another station may perhaps be benefited. We submit that all of the elements previously argued in this brief on the merits must be given full consideration, and that upon an application of the doctrine of the Strawbridge & Clothier case, this Court should decide that the Commission has erred, arbitrarily and capriciously, in making the order complained of.

With relation to the third ground stated in the Commission's denial of the application of WFI, quoted above, we refer to the testimony on behalf of Station WEAO, Ohio State University, Columbus, Ohio, operating on the adjacent frequency of 570 kc., offered in the case at bar (R. 52 *et seq.*) objecting to any shortening of the distance on the 560 kc. channel which would bring the transmitter on such regional channel nearer to Columbus than its present location at Stations WIBO and WPCC.

In *Journal Company v. Federal Radio Commission,* 60 App. D. C. 92 (48 Fed. (2d) 461), appellant appealed after its license had been renewed on the same power and frequency, but the Commission had granted a license to another station on the same frequency, causing such interference as to constitute, in effect, a refusal of appellant's application for renewal. Pending appeal the station made application for increase of power, which the Commission refused because of the interference it would cause with other stations. Appeal was also taken from that refusal, and interveners appeared. The Court of Appeals said:

> "We have determined * * * that radio transmission is subject to regulation. Technical Radio Laboratory vs. Fed. Radio Comm., 59 App. D. C. 125, * * *. The purpose of this regulation obviously is to prevent chaos and to insure satisfactory service. The installation and maintenance of broadcasting stations involve a very considerable expense. Where a broadcasting station has been constructed and maintained in good faith, it is in the interests of the public and common justice to the owner of the station that its status should not be injuriously affected, except for *compelling reasons.* Chicago Federation of Labor vs. Commission, 59 App. D. C.

> 333. Unless such a policy is maintained, the public will not receive the character of service which we are convinced the Radio Act was intended to insure. No station that has been operated in good faith should be subjected to a change in frequency or power, or to a reduction of its normal and established service area, *except for compelling reasons.*" (Italics ours.)

The Court held that appellant was entitled to some form of relief; that the Commission's decision as to interference was against the evidence; that "theory must give way to fact;" and remanded the case to the Commission with direction to afford appellant, after notice and opportunity to be heard,

> "such relief as will measurably reestablish appellant in the position occupied by it prior to the acts complained of."

What compelling reasons exist on the record in the case at bar justifying the Commission's decision? No compelling reason can be found in the mass of evidence warranting the *forfeiture* of the facilities of WIBO and WPCC solely in the interest of the applicant station. On the contrary, the evidence of WIBO and WPCC clearly shows protracted operation in good faith, and large investments; yet the Commission, reversing its Chief Examiner, relying upon its construction of the naked statutory provision regarding equalization and ignoring the cases decided by the Court of Appeals, arbitrarily transfers the facilities and ends the operations of WIBO and WPCC.

In *Great Lakes Broadcasting Company vs. Federal Radio Commission*, 59 App. D. C., 197, there was a controversy between several stations, which resulted in

action by the Commission making a division of time of two of the stations on the frequency involved and the assignment of a third station to another channel. The Court held that the apportionment of the time of the two stations on the one channel, however, was not only to be decided from the standpoint of public interest, convenience and necessity, but that, under the circumstances of the excellent service, large expenditures for meritorious programs, the popularity of Station WENR and its financial responsibility, it was "contrary to justice," to apportion the time as was done by the Commission, and the Court said:

> "*Nor is this a case where a newcomer seeks to appropriate the existing privileges of an established station.* The Commission found itself constrained by existing conditions to assign the two stations to the same channel, and the operating time should be divided justly between them." (Italics ours.)

The instant case is within the exception suggested by the Court in the language above italicized. WJKS, a newcomer to all intents and purposes, having enjoyed its existing privileges for approximately three years, abruptly undertakes to demand that it be awarded the existing facilities of two established stations. It is certainly in no better position than was Station WLS in relation to WENR. On the contrary, WJKS is in the position of Station WPTF, Raleigh, North Carolina, which applied for increase of power. Reviewing the action of the Commission in denying such application, this Court, in *Durham Life Insurance Company vs. Federal Radio Commission,* 60 App. D. C. 375 (55 Fed. (2d) 537), sustained the validity of the Davis Amendment as there applied by the Commission, and used this language:

> "Such increase, however, is not necessary to enable the station to render the same public service as heretofore, but its application is designed solely for the purpose of *increasing* its service area. The present issue, therefore, is not whether the station shall suffer the loss of any facility heretofore allotted to it, but whether it shall be granted an additional facility."

There is an obvious distinction between granting facilities, in relationship to quota control, and the withdrawal of facilities of established stations, in supposed aid of quota equitability. We deal, in the present case, not with some trifling increase in the Indiana State assignments prayed by applicant for its own benefit, in the supposed benefit of its State without effect upon established interests of others, but with inevitable expropriation of the facilities sought, to the grievous injury of others who have long enjoyed the grant of such facilities. Such action can be tolerated, as this Court has said, only for "compelling reasons," if at all.

As to the necessary reasonableness of the action of the Commission, see *Richmond Development Corporation vs. Federal Radio Commission,* 59 App. D. C. 113; and *General Electric Co. vs. Fed. Radio Com.,* 58 App. D. C. 386.

It is submitted that the Court of Appeals rightly has announced rules consistently requiring the Commission to avoid harsh decisions inconsistent with the natural rules of justice applicable to the rights of individuals whose conduct has been unquestioned and whose monies have been invested in broadcasting equipment and operations. Conceding the regulatory authority, the Court's judgments have been aimed at fairness of application of the law. The Commission

here is in conflict with the fundamental principles on which the Court has erected its decisions. See *Richmond Development Corp. vs. Fed. Radio Commission*, 59 App. D. C. 113.

For the purpose of this case respondents concede the power of Congress to regulate, and the authority of the Federal Radio Commission under existing statutes to act under the *reasonable* intent of the statutes, but assert that, as applied in this case, the Davis Amendment becomes unconstitutional, and General Order No. 102 is invalid as accomplishing a taking of property *without due process of law*, in conflict with the Fifth Amendment of the Constitution. The Davis Amendment and the General Orders thereunder can take validity only by the application of the principles announced by the Court of Appeals; and we submit, that the treatment of the equalizing provision as being mandatory in case of mere application for named facilities by an applicant in an under quota state works a wrongful taking of property, without such public ascertainment of the rights of all individuals affected as is consonant with distributive justice. The Davis Amendment should be administered to the end of ultimate equalization in future with fair treatment of all properly existing stations. This latter policy is suggested at the conclusion of the Commission's "Explanation of General Order No. 92" (R. 757), mentioning gradual improvement, as for instance, by the "going off the air" of financially unsound stations.

"A statute must be construed, if fairly possible, so as to avoid not only the conclusion that it is unconstitutional, but also grave doubts upon that score. U. S. *ex rel.* Attorney General vs. D. & H. Co., 213 U. S. 366, 408." Mr. Justice Holmes, speaking in U. S. vs. Jin Fuey Moy, 241 U. S. 394.

We submit that the decision of the Federal Radio Commission in this case, based upon improper construction and application of the statute and its own regulations, bends the Constitution to the breaking point.

CONSTRUCTION OF THE DAVIS AMENDMENT.

Fair and Equitable Allocation.

The Commission has dealt with this case capriciously and arbitrarily and against the evidence even in the light of its own views as to what the law is.

In the following we endeavor to demonstrate that the Commission's own views, as expressed in its general orders and its action here, are contrary to the Davis Amendment and are a distortion thereof.

As to proper construction of the Davis Amendment, we submit that the Commission has misconstrued the Congressional mandate. Both in General Order No. 102 and in its decision in this case, the Commission seems to treat allocation between States within a zone by the mandatory direction of Congress relating to the zones.

The law says, first:

> "That the people of all the zones established by section 2 of this Act are entitled to equality of radio broadcasting service, both of transmission and of reception, and in order to provide said equality the licensing authority shall as nearly as possible make and maintain an *equal allocation* of (1) broadcasting licenses, of (2) bands of frequency or wave lengths, of (3) periods of time for operation, and (4) of station power, to each of said zones when and in so far as there are applications therefor." (The numbers inserted are ours and are used to show

four elements which are to be as nearly as possible equally allocated to the zones. Italics ours.)

The next direction of the law is as follows:

> "and shall make a *fair and equitable allocation* of (1) licenses, (2) wave lengths, (3) time for operation, and (4) station power to each of the States, the District of Columbia, the Territories and possession of the United States within each zone, according to population." (Numbers and italics ours.)

The Court will note the last distinction between the two phrases employed. As to zones the Congress used the words "an equal allocation." As to the subdivisions within each zone, to wit, States, etc., the Congress used the phrase "a fair and equitable allocation."

As to zones Congress seeks an approximately mathematical division. As to States within zones Congress directs the application of fairness and equity according to population.

The law then says:

> "The licensing authority shall carry into effect the *equality* of *broadcasting service* hereinbefore directed, whenever necessary or proper, by (1) granting or refusing licenses or renewals of licenses, (2) by *changing* periods of time for operation, and (3) by *increasing* or *decreasing* station power, when applications are made for licenses or renewals of licenses." (Numbers and italics ours.) (There is no provision for forfeiture.)

This obviously applies to the zone allocations, since the word "*equality*" is again used, and cannot be taken to apply to States within a zone.

This construction is fortified, aside from the term employed, by the proviso in the same sentence. The proviso reads as follows (italics ours):

> "*Provided*, That *if and when there is a lack of applications*, from *any zone* for the *proportionate share* of licenses, wave lengths, time of operation, or station power to which *such zone* is entitled, the licensing authority may issue licenses for the balance of the proportion (*i. e., share*, or *equal allocation* as expressed elsewhere in the section), not applied for *from any zone*, to applicants *from other zones* for a temporary period of ninety days each, and shall specifically designate that said apportionment is only for said temporary period." (Italics ours.)

Plainly this means that the approximately mathematical equality of allocation to zones must be maintained, but, *in order to use all the channels of the air*, a merely temporary license may be awarded to any zone, in addition to its share, where not applied for, licensed, or used by some other zone. The mandate of Congress is, therefore, that such license shall be limited to three months and be immediately revocable for use in a zone entitled thereto should application come from such zone for that part of its equal allocation, share, proportion or apportionment, those being the four phrases used to indicate approximate mathematical equality amongst the zones.

The provision regarding temporary permits limited to three months is not made applicable by the statute to States within a zone, and there is no statutory sanction, based upon the provision respecting zones, which can subject a license, for instance in the State

of Illinois, to a three months' limitation because of the quota condition of another State in the same zone, as for instance, Indiana. Yet the Commission here applied for such limitation to the licenses of WIBO and WPCC last awarded.

At page 4 of its brief WJKS states that stations WIBO and WPCC accepted licenses restricted to three months' period "on a temporary basis, and subject to such action as the Commission may take after hearing on the application filed by WJKS." It must be remembered that stations WIBO and WPCC were well-established, existing stations which had not been charged with any violation and no steps had been taken to "revoke" their permits. As was said by the Court of Appeals in *Technical Radio Laboratory vs. Federal Radio Commission*, 59 App. D. C. 125:

> "The relief sought by an applicant for renewal is not limited to the issue of a license for three months only, but includes a continuing right to apply thereafter at proper times for successive renewals thereof."

There was no authority for limiting the permit, and the limitation was a step in the illegal attempt to *forfeit*.

In *Westinghouse Electric & Manufacturing Co. vs. Federal Radio Commission*, 60 App. D. C. 53, 54, the same attempt was made to limit a license to a ninety-day period, and the Commission was ordered by the Court of Appeals "to renew appellant's licenses from time to time • • • without the qualification in question." If an applicant complies with all the laws and regulations and its permit cannot be taken away without due process of law, to limit the permit when

granted to a period of three months until proceedings for taking the permit away without due process of law have been completed, is in itself a taking without due process of law.

Much is said of the Commission's right to *take* property in the instant case without compensation; but the fact is overlooked that it is being taken without due process of law.

The next paragraph of the Davis Amendment relates to award of broadcasting licenses for not more than three years, and to renewal thereof, and the last paragraph prohibits renewal more than thirty days prior to the expiration of the original license.

The Court will note that in General Order No. 102, in the third and fourth paragraphs, the Commission states that applications are pending

> "from under-quota states, which, under the law, are entitled to their *pro rata* share of radio facilities;"

and that the order as to applications is adopted

> "in order to bring about *an equalization* of these radio facilities *among the states in the zones.*" (Italics ours.)

This deals in the terms applicable to zones and not to States.

We submit that in this case the Commission has treated the provision applicable to equality between the zones as applicable to the States within a zone, and proceeds as if it were seeking approximately mathematical allocation between the States within a zone, rather than a *fair and equitable* allocation to the States

within a zone. In attempting fair and equitable allocation the Commission may be entitled to consider mathematical apportionment according to population; but there is no law requiring this formula, and such formula may and usually will result in a defeat of the fair and equitable allocation which the law does command regardless of densities of population and distribution thereof in States affected within the zone involved. Such certainly occurs in this case.

Certainly the attempt at mathematical allocation relied upon by WJKS and attempted by the Commission sion's decision violates, as hereinbefore argued, the very principle of fairness and equity in the instant case. It is manifest that the Congress in its wisdom realized that, while approximation of mathematical allocation among zones was possible, any such mathematical allocation amongst the States and subdivisions within a zone would foster the very evils which the Davis amendment attempted to avoid. The zone gets a mathematical division as near as may be possible; the States then receive therefrom a fair and equitable allocation.

Again we point out that, even with its attempt to make the mathematical allocation between the States within a zone, the Commission ignored its own mathematical allocation, so-called quota, of regional stations as between Illinois and Indiana, and resorted to the gross mathematical apportionment of all channels, cleared, regional and local, as between Indiana and Illinois within the Fourth Zone, in order to adopt a premise by which the unfairness and inequity of its action in the instant case could be premised in a supposed regulatory construction of the basic statute.

On the whole matter of construction and application

of the statute, it is obvious that the Commission's General Orders misconstrue the statutory distinctions between zones and States within the zones. They omit entirely the element of *reception* and deal solely with the element of transmission. The law says that "The people of all the zones are entitled to equality of radio broadcasting services, both of transmission and of *reception,*" and that to provide such equality the equal allocation of facilities to each of the statutory zones shall be made by the licensing authority. No consideration has been given, in any general order or rules of the Commission, to the element of reception.

The Commission in this case has ignored the fact that within the Fourth Zone, and as between Illinois and Indiana, the people of the latter State, and particularly of the Gary and Calumet areas, have the full benefit of reception and coverage from the stations in Northeastern Illinois. The Commission ignores the fact that it has a mathematical duty to perform only with respect to the zones, both as to transmission and reception, and confused as to its statutory duties, it attempts to apply such rule as between States within a zone, regardless of the fairness and equity commanded with respect thereto by the statute.

THE SPECIFICATIONS OF ERROR.

Dealing with the specifications of error listed in the Solicitor General's brief, it is pointed out:

1. The Court of Appeals not only did not err in holding, but did not hold, that the Federal Radio Commission does not have the authority, under the Act of March 28, 1928, in the exercise of its licensing power, "to lessen the gross disparity existing between the

broadcasting facilities of two States by granting a license to use the frequency assigned to the respondents, located in the over-quota State, to an applicant for such frequency in the under-quota State and declining to grant the license to respondents."

The Court of Appeals found (R. 1138), as the "statement" of petitioners in this Court admits to be true (p. 4, Petition herein), that station WJKS requested the "removal" of stations WIBO and WPCC; and the Court further found (R. 1139), as is borne out by the record (R. 1125) that the Commission in its decision stated the issue before it to be "the consequent forfeiture of the facilities now assigned stations WIBO and WPCC." It was not a question of "lessening gross disparity." The Court found (R. 1138, as borne out by the record (R. 1069 *et seq.*), that:

> "In the reallocation of 1928 following the enactment of the Davis amendment (act of March 28, 1928, 45 Stat. 373), the Commission found that conditions warranted the assignment of the frequency of 560 kc. to Station WIBO (originally established in April, 1925) and Station WPCC (originally established in July, 1924), and the assignment of the frequency of 1,360 kc. to Station WJKS (originally established in August, 1927). The evidence fails to disclose that there has been a material change in conditions since the reallocation of 1928."

The decision of the Court of Appeals fails to disclose any expression respecting authority or lack of authority to "lessen gross disparity" and no such "holding" can be here asserted as an error upon which this Court can be asked to aid petitioners in deleting stations WIBO and WPCC, or uphold their forfeiture.

2. Petitioners assert that the Court of Appeals erred

in holding that the action of the Commission was an arbitrary and capricious exercise of power.

The question of whether the findings were arbitrary and capricious has already been dealt with throughout this brief and it is submitted that the Court of Appeals was fully warranted in its findings.

There is no basis for the assertion in the brief of WJKS that "In the majority opinion of the Court below there is an almost total disregard of the evidence in the record which sustained the Commission; and the reference to the *preference* of the Court of Appeals for the conclusions of an employee of the Commission is unwarranted. At page 22 of the brief of WJKS, it is stated:

> "The court below refers to the use of phonograph records by Station WJKS, stating that although 'it seeks greater opportunity to furnish broadcasting service to the people of Gary * * *) it even now devotes two to three hours daily to broadcasting phonograph records. The innuendo of that statement to the effect that appellant seeks more time for community broadcasts, but now uses its time for phonograph records, is a part of respondent's brief below, but the *testimony* in the record does not justify it. The record shows that the two-hour period of phonograph records referred to is "from four o'clock in the morning until six."

We call this Court's attention to page 98 of the record which was before the Court of Appeals. Mr. Newman, Counsel for the Radio Commission, asked the witness Johnson (owner of WJKS) the question:

> "With regard to phonograph records, do you use them very often?"

The answer was

"We probably run—I couldn't exactly tell—probably two or three hours a day."

The statement that the *two-hour* period referred to is from four to six o'clock in the morning, is inaccurate, as it was not the *two-hour period* that was being referred to. The question asked by the Radio Commission's counsel brought out a question from the witness as to whether the counsel, in asking about early morning hours referred to the hours from four to six. (P. 99 of Record, fourth line.)

Specifications 3 and 4 urged as error by petitioners allege that the Court of Appeals erred in relying on certain findings of the examiner which petitioners claim are inconsistent with the findings of the commission. The language of the opinion of the Court of Appeals thus complained of is as follows:

> "After a careful review of the established facts, the examiner recommended that the application be denied. He found that the station is rendering a commendable public service on its present part-time assignment, but that the service 'would be improved by the installation of the most modern radio equipment and the operation of this station in the most efficient manner on its present frequency.' He further found that it is possible that 'more objectionable interference would result from the operation of station WJKS on the 560 kc. channel than now results from the operation of this station at Gary on the 1,360 kc. channel, since station WNOX at Knoxville, Tenn., is separated from Gary by a distance of only 440 miles, whereas the nearest station on applicant's present assigned frequency operating with 1 kw., is at Syracuse, N. Y., separated from Gary by a distance of 600 miles.' He also found that Stations WIBO and WPCC 'are meritorious stations, serving public inter-

> est, convenience and necessity'; that 'the owners and operators of these stations have at great cost prepared themselves to exercise the broadcasting privileges heretofore granted them by the Federal Radio Commission, and in the opinion of the examiner, clear and sound reasons of public policy demand that these broadcasting privileges be not taken from them and assigned to applicant station'; that stations WIBO and WPCC provide radio service for people within the service area of the applicant station, who also 'receive a large proportion of their radio broadcasting service from stations operating in the State of Illinois, *none of which service may be charged against the quota of the State of Indiana*'" (R. 1138-9).

A reading of the Court's opinion and the record discloses that the aforesaid language was used by the Court merely as part of its statement of the various steps which had been taken in the case before it reached the Court.

The opinion does not show that the Court relied on said findings of the examiner. On the contrary, the Court's opinion discloses that on an examination of the entire record the Court found that the order of the Commission forfeiting respondents' stations WIBO and WPCC was arbitrary and capricious. This finding of the Court is fully sustained by the record.

As to specifications 5 and 6 it is submitted that it has been shown herein that the Court's conclusions were sound and that the Court did not err in reversing the order of the Commission.

CONCLUSION.

It is respectfully submitted that in view of (1) the lack of any proceeding on the part of the Federal Ra-

dio Commission to revoke the permits of stations WIBO and WPCC; (2) the absence of any statutory power in the Commission to "delete," "remove," "forfeit" or destroy existing stations; (3) the failure of the statutes to give an applicant the right to demand the removal of existing stations solely on the ground of quota conditions; (4) the reallocation of 1928 under the Davis Amendment and the finding of the Court of Appeals that there has been no material change in conditions since that reallocation was made; and (5) the unreasonableness of any statutory regulation which would work the forfeiture requested, the judgment of the Court of Appeals of the District of Columbia should be affirmed, with costs taxed against the petitioner, Johnson-Kennedy Radio Corporation.

Respectfully submitted,

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APPENDIX.

General Order No. 102.

At a session of the Federal Radio Commission held at its offices in Washington, D. C., on the 8th day of January, 1931, the Commission adopted the following General Order:

Whereas, under the unit and quota figures adopted by the Commission, the First and Second Zones are under-quota and the remaining three zones are over-quota;

And whereas, there are a number of states that are over-quota and a number of states that are under-quota;

And whereas, there is now pending before the Commission a number of applications from under-quota states which, under the law, are entitled to their pro rata share of radio facilities;

Therefore, in order to bring about an equalization of these radio facilities among the states in the zones, the Commission adopts the following with reference to applications:

1. Where a zone has already in use its pro rata share of facilities, the Commission will not allocate any further radio facilities to that zone, which would increase its quota.

2. Applications from under-quota states in zones which have already allocated to them their pro rata share of radio facilities should be for a facility already in use in that zone by an over-quota state.

3. Likewise, where a state is already over-quota, the Commission will not allocate any further radio facilities to that state, which would increase its quota.

4. Applications from states which now have their quotas, or from states which are over quota, should be for facilities already in use in that state.

5. An applicant from an under-quota state in an under-quota zone may apply either for facilities in use in an over-quota state in that zone or an over-quota state in an over-quota zone.

The further questions of kilocycle and mileage separations should also be considered by an applicant in selecting the frequency to be applied for.

Since the Commission has classified stations in accordance with power into three classes, namely, clear channel, regional, and local stations, and has allocated certain frequencies for the use of each of these three classes of stations, applications should be for frequencies set aside by the Commission for the character of station applied for.

All applications now pending before the Commission which have not been heard or designated for hearing by the Commission may be amended by the applicants to conform to this Order.

This Order shall be effective on the day first above written.

FEDERAL RADIO COMMISSION,
JAMES W. BALDWIN,
Secretary.

Federal Radio Commission, Washington, D. C.

Explanation of General Order No. 102.

February 26, 1931.

General Order No. 102 of the Federal Radio Commission must be considered together with other Gen-

eral Orders of the Commission and its established policy. General Order No. 40 of this Commission designates six frequencies for use by local stations and restricts the nighttime power of stations of these frequencies to a maximum of 100 watts. The same General Order designates certain frequencies to be occupied by regional stations operating with powers of 250, 500 or 1000 watts at night. General Order No. 40, therefore, would prohibit the operation of a station using more than 100 watts power on any of the six local frequencies. The established policy of the Commission, based on what is believed to be sound engineering and economic principles, has been to authorize no 100-watt stations to operate at night on regional frequencies.

Applicants for construction permits for local stations (meaning stations operating with the power of 100 watts or less at night) are restricted to the six frequencies designated for that purpose by General Order No. 40 above referred to.

In the final analysis, and from a practical viewpoint, it appears that applications from states which have their quota, or more, of radio facilities assigned to them should, in general, be confined to facilities of a station, or stations, of the same class as that proposed to be constructed and/or operated by the applicant. That is, if the applicant applies for authority to construct or operate a local station in a state which has its quota, or more, the application should be to supplant a local station in that state. Applications for regional assignments should be made for the facilities of a regional station and applications for clear-channel assignments should be for the facilities of a clear-channel station.

In some cases, however, where facilities of one class can be installed without interference but the state and/or zone has its quota already assigned then applications may be made for all or part of the facilities of any station of any class in that state or zone. In this case the applicant should specify the facility which he desires to have transferred.

FEDERAL RADIO COMMISSION,
By JAMES W. BALDWIN,
Secretary.

Facts Pertaining to the Engineering and Technical Aspects.

Frank B. Falknor, radio engineer for applicant, WJKS, stated that the only observations by him in the Gary area were made between 7:30 and 9 p. m. on April 20 and April 21, 1931 (R. 159 and 161); he used uncalibrated instruments (R. 169); that the field strength of WJKS at a distance of 30 miles south of the transmitter was about 1.8 millivolts per meter, at which place there was detrimental audible interference of a strength which was at too low a level to measure (R. 159). At a point 30 miles southeast of the transmitter the signal strength was 3 millivolts per meter and interference was measured to be 0.2 millivolts per meter, being in the nature of an annoying beat note of 100 cycles per second (R. 159). Observations made near La Porte, Ind., 30 miles east of the transmitter, indicated interference in the nature of a 100 cycle per second beat note and a low flutter (R. 160). Falknor's observations made in the city of Chicago, about 30 to 35 miles from WJKS, showed in-

terference with that station due to heterodyne from 100 to 200 cycles, but the source of the heterodyne could not be identified (R. 134).*

Andrew D. Ring, engineer of the Federal Radio Commission, stated that stations of various powers would render the types of service at the distances indicated in the following (R. 117):

	Excellent City Service	Good Residential Section Service
100 watts	.....	13 miles
250 "	.....	20 "
500 "	6½ miles	25 "
1000 "	9 "	35 "
5000 "	18 "	60 "
10000 "	25 "	75 "
25000 "	35 "	90 "
50000 "	45 "	110 "

Witness Ring also testified that excellent city service is based on a field intensity of 10 millivolts per meter and that good residential section service is based on a field intensity of 2 millivolts per meter (R. 122). WJKS is a regional station (R. 122).

V. Ford Greaves, engineer of the Federal Radio Commission, testified that an engineering definition of a regional station classification is one in which the

* Some effort to prove interference as well as the need of more time was made by applicant in twenty-three depositions (R. 663-731). These depositions were under order of the Commission (R. 232) but notice was not delivered to WIBO at Chicago until the morning of April 20, 1931, the day of the hearing set for 1 p. m. and did not reach Nelson, the manager, until 2:30 p. m. (R. 235).

The Chief Examiner admitted the depositions despite question as to sufficient notice but found most of the testimony therein inadmissible as offering only personal opinion and there having been no cross-examination.

These depositions were made in response to stock questions by Johnson, the proprietor of the station, among the questions being whether Gary needed full-time broadcasting for the community, whether interference was heard, and whether change of frequency would be beneficial. The affidavits were not signed but bore the notarial jurat. The commission did not rule on admissibility but stated that the affidavits were not considered in its decision.

service area is restricted by unavoidable interference (R. 387).

Ring testified that the following are the stations assigned to 1360 kc. and adjacent channels which might be capable of causing interference with WJKS on its present assignment, and gave the actual distances between these stations and WJKS, and the recommended separation of the Engineering Division of the Federal Radio Commission as follows (R. 120):

Station	Location	Night Power	Approx. Distance from WJKS	Frequency	1200 miles 1050 " Recommended Separation
WFBL	Syracuse, N. Y.	1000 w.	600 miles	1360 kc.	
WCSC	Charleston, S. C.	500 w.	750 "	" "	
KWK	St. Louis, Mo.	1000 w.	260 "	1350 "	350 "
WRJN	Racine, Wisc.	100 w.	90 "	1370 "	210 "
WGL	Ft. Wayne, Ind.	100 w.	115 "	" "	" "

Witness Falknor made no measurements of strength of signal from interfering stations at the 9 mile and 30 mile radius (R. 170), nor a field strength survey to show coverage of WJKS on 1360 kc. (R. 170).

T. A. M. Craven, expert engineer, testifying in behalf of respondent WIBO, whose qualifications were stipulated by appellant WJKS, has had over 18 years extensive practical experience in radio matters with particular reference to allocation engineering (R. 304). He stated in effect that the determination of interference and its useful interpretation on a common basis of comparison requires much precaution and a setting forth of the observer's standards, as well as the obtaining of sufficient data relative to the efficiency of the transmission system, in addition to the taking of field strength measurements with properly calibrated instruments over a reasonable period of time (R. 305, 306 and 307).

No comparisons were made by Witness Falknor to

check accuracy of the calibration of the instruments used in making field strength measurements (R. 169). There was no microammeter in the plate circuit of the receiver detector, and Falknor depended solely on the volume indicator for accuracy of measurements (R. 170).

As to the accuracy of field strength measuring equipment, using no meter or measuring device in the receiver detector and depending upon a volume indicator at the receiver output to compare microvolts per meter, the Witness Craven testified that he would require a check of its performance against proper laboratory standards and that without this check he could not accept any such instrument as being accurate, because his experience has been that it is better practice to determine the strength of radio frequencies in the detector input rather than in the output of the measuring receiver instrument (R. 319).

With respect to a field strength of 3 millivolts per meter at a distance of 30 miles from a 1 kw. station having a T type antenna 90 ft. horizontal and 75 ft. vertical, separated by noninsulated metal towers 125 ft. apart (the antenna described in the application of WJKS), the Witness Craven testified that either the absorption is negligible, or that the absorption is average or large and the station is more than efficient for the type of antenna used, or that the equipment used to measure the field strength was not accurate, or that an error might have been made in the observation, or that insufficient observations were made, or that there may have been sky wave radiation, and that in any case the setup does not represent the average condition (R. 319).

Witness Falknor made no measurements and did not know the antenna characteristics at WJKS (R. 171),

and made no scientific check of transmitting equipment and could not account for apparent excessive loss in the power amplifier (R. 172). He testified that he had not made sufficient examination of the transmitter and antenna system at WJKS to know to what extent an improvement in the transmitter would increase the signal strength (R. 177). Witness Falknor stated that the power output, if doubled, would have the effect of pushing the interference farther away from the transmitter and would actually reduce the volume of interference (R. 179 and 180).

Craven testified that an antenna of the T type, approximately 90 ft. horizontal and 75 ft. vertical, supported by metal towers 125 ft. apart, not insulated from the ground, would have losses in comparison with the latest engineering practice, and that moving towers farther apart should improve the situation (R. 318). (The application of WJKS shows this to be the type of antenna used at that station.)

Ring testified that any change in the equipment of the antenna system of WJKS whereby the energy is radiated more on the horizontal plane would undoubtedly result in improvement of the service of the station (R. 131), and that interference from cross-talk within the good service area of a station may be corrected either by increasing the signal of that station until the interference is no longer noticeable, or by eliminating the source of the interference (R. 132).

Craven, in listing the factors involved in antenna losses, and outlining the general methods of minimizing the effect of such losses, testified that the engineering profession generally recognizes that local conditions at the site of the transmitting station have a profound effect upon the efficiency of antenna structures, both from the standpoint of interference and of service

(R. 308, 309 and 310), and that the efficiency of an inefficient transmitter could be increased with respect to its radiated power by the selection of a better side, by eliminating losses in the antenna system, by eliminating losses in the transmitter, or by increasing the effective height of the antenna or by utilizing an antenna system in which the energy lost in the sky wave is at a minimum (R. 312); that unsatisfactory or objectional heterodyne interference would be reduced considerably if stations using the same frequency adhere more closely to the frequency assigned (R. 315).

Falknor for applicant testified that he made no measurements of any station in the Gary area with the exception of WJKS and 1360 kc. (R. 169 and 171), and no scientific investigations on 560 kc. in the Gary area to determine the nature of interference that might be expected on that frequency, nor were measurements made of the field strength in microvolts per meter in Gary of stations on channels adjacent to 560 kc., or any stations except WJKS on 1360 kc. (R. 171).

The following is a tabulation of the Witness Ring's testimony with respect to the stations on the same and adjacent channels to which WJKS, if assigned the frequency of 560 kc., might cause interference, or from which WJKS might receive interference (R. 120, 121 and 122):

122):

Station	Location	Night Power	Approx. Distance from WJKS	Frequency	Recommended Separation
WNOX	Knoxville, Tenn.	1000 w.	440 mi.	560 kc.	1200 mi.
WLIT	Philadelphia, Pa.	500 w.	670 "	" "	1050 "
KFBM	Beaumont, Tex.	500 w.	900 "	" "	" "
KLZ	Denver, Colo.	1000 w.	920 "	" "	1200 "
WEAO	Columbus, Ohio	750 w.	250 "	570 "	350 "
WKRC	Cincinnati, Ohio	1000 w.	225 "	550 "	350 "
KSD-KFUO	St. Louis, Mo.	500 w.	270 "	" "	300 "

Ring testified that the recommended separations were made up as an average thought best applicable to the entire country, although it is well known that various parts of the country vary somewhat. In the central part of the country, particularly the Mississippi Valley and the lower lake region, the recommended distances are too small, if anything (R. 129).

The Witness Ring also testified that generally speaking, if a station changes its frequency from 1360 kc. to 560 kc., and in each case adjusts its equipment to maximum efficiency of radiation, the average listener would probably not notice a great difference in volume unless there were conditions present that changed the absorption factor in the particular frequencies (R. 128).

The Witness Greaves testified that the difference in interference between two stations 600 miles apart operating on 1360 kc., and the interference between two stations at the same distance on 560 kc., would be so slight that the average listener could not tell the difference (R. 378).

Craven, testifying in behalf of WIBO, stated in effect as follows:

Investigations regarding regional channel radio stations involved in changes of frequency to avoid interference should be comprehensive and thorough and should show conclusively the following (R. 305 and 306, also Examiner's Report 1089):

(*a*) The sources, degree and character of the interference and that this interference is consistently greater than that usually encountered in the service of regional stations in general.

(*b*) Field strength contours of a station applying for a change in frequency should show whether or not

the service being rendered is equivalent to the average to be expected with respect to signal strength.

(*c*) The efficiency of the applicant's equipment and installation as well as the location, should show whether or not an improvement in the ratio of the service signal to that of the interference could be accomplished by changes in the applicant's equipment or location.

(d) A survey of the interference conditions on the frequency applied for should show conclusively whether or not the proposed shift will be materially beneficial in the locality of the applicant station.

(*e*) Sufficient data should be submitted to permit an estimate as to whether or not the proposed shift in frequency at the applicant station will change materially the interference to other stations.

(*f*) A description of the apparatus and methods employed in making the investigations should be submitted in order that the resulting measurements may be interpolated with known standards in order to arrive at accurate comparisons.

The pertinent facts pertaining to "quota" are tabulated herewith from the testimony of A. D. Ring and V. Ford Greaves, engineers of the Federal Radio Commission:

	Illinois	Indiana
Total Units Due	22.50 (R. 107)	9.53 (R. 108)
Total Units Assigned	33.65 (R. 123)	7.58 (Deduced from R. 108 & 113)
Units Over or Under Quota	11.15 over (R. 111)	1.95 under (R. 113)
Percentage Over or Under Quota	49% over (R. 111)	20% under (R. 113)
Regional Units Due	7.31 (R. 122 & 383)	3.10 (R. 122)
Regional Units Assigned	2.95 (R. 122 & 383)	2.53 (R. 122)
Regional Units Over or Under Quota	4.36 under (R. 122)	.57 under
Percentage Over or Under Quota in Regional Facilities	60% under	18% under

The deletion of WIBO-WPCC from Illinois would reduce the assigned quota figures of Illinois by .69 units (R. 111 and 383).

The granting of the application of WJKS would increase the quota figures of Indiana by .45 units (R. 111).

Changes in quota figures from January 6 to April 13 were caused by adding facilities to Indiana (R. 115).

The State of Illinois is over quota in total facilities but under quota in regional facilities (R. 383).

The quota of Indiana is not charged with the good service that State receives from clear channel radio stations in Illinois assigned to the Fourth Zone, in which Indiana is a part (R. 393).

The Witness Greaves testified that from a purely engineering point of view a signal of a given field strength is service independent of the type of program and on that basis is appears that Gary is already served with a sufficient number of microvolts from stations in the vicinity to give a large variety of service (R. 382).

The Witness Ring testified that northern Indiana is estimated to be in the good service area of several of the Fourth Zone clear channel stations (R. 123).

The Witness Falknor testified that the Calumet region, in part, also receives service from Stations WOWO in Ft. Wayne, Ind., WWAE at Hammond, Ind., and from a 100-watt station at LaPorte, Ind. (R. 165 and 166).

Public Interest, Convenience and Necessity Served by the Stations.

A mass of evidence was adduced regarding the programs furnished by the three stations, both by the

testimony of witnesses and the inclusion of programs as exhibits, Stations WJKS offering programs of practically every other station in Chicago, as shown on applications for licenses therefor, to indicate similarity of services contrasted with WIBO.

Station WJKS.

The testimony of Thomas J. Johnson (R. 62 *et seq.*) was to the effect that WJKS broadcasted locally, in the interest of Gary and the Calumet District, its transmitter being located at the Gay Mill Ball Room, on the shore of Lake Michigan, and intended to reach the Calumet District, extending from Gary and Southern Lake Michigan shore points to South Chicago, the largest steel manufacturing center in the world, with a population of 110,000 people in Gary and between 800,000 and 1,000,000 people in the Calumet Region, about 60 per cent of the population being foreign born and representing sixty odd different nationalities. The service was intended to present programs in their own languages, presented by their own people (R. 63). There was a weekly colored program, presented by colored artists, and in addition Hungarian, Italian, Mexican, Spanish, Germans, Russian, Polish, Croatian, Lithuanian, Scotch and Irish weekly programs of a musical, and educational character and instructive in citizenship, with no charge made therefor (R. 64). There were also programs in cooperation with the school officials, teachers, and the parent-teachers' associations (R. 65). The steel mills run continuously for 24 hours a day, on three shifts and, therefore, according to the testimony, there are requests for programs during the entire day (R. 65) and owing to the limited

time assigned to the station "we are unable to put on as many of the programs as we would like."

The station broadcasts from 6 or 7 A. M. to 8:30 A. M., 11 A. M. to 4 P. M., 7 P. M. to 9 P. M., 10:30 P. M. to 12 P. M., and on Monday, Tuesday, Wednesday and Saturday continues broadcasting until the early hours of the morning (R. 65).

The Gary School System consists of thirty-five public schools and parochial schools, with 30,000 children attending. There are 15 school bands and each of the fifteen bands broadcasts regularly over WJKS. Each of these bands has its own time for broadcasting, and that has been continued ever since the station has been licensed (R. 67). Another school feature is the broadcasting of the sport events, such as baseball, basket ball and foot ball. There is a feature known as "Learn to speak English" (R. 69). Irrespective of grades, up to the age of 16, school children have various groups and various plays, any child not up in his studies not being permitted by the teacher to broadcast that week, and remarkable improvement in studies has been found because they have the encouragement of the teachers and parents, the latter feeling proud to have their children broadcast. Children, especially of the 4th 5th and 6th grade, prepare their own material and participate in debates, such as "Resolved, That Thomas Edison has done more for humanity than Henry Ford;" and on the question "Are independent stores of more advantage to the community than chain stores?" There are school playlets broadcast over the radio station. The Witness Johnson testified that the people in his service area are delighted with such programs (R. 70-71). On some Saturdays the station has 200 children all trying to get on during two or three

hours (R. 71). The station gives time signals and weather reports, arrival and departures of vessels carrying ore to the steel mills, and there is a safety program furnished by the safety inspector of the steel mills (R. 73). There are police broadcasts, lost child broadcasts, and drives for the Red Cross, Salvation Army and other charities (R. 75). There is a nightly broadcast of the Elks Toast (R. 75). There are Sunday religious services, commencing at 10 o'clock, from the Central Baptist Church; at 1 o'clock "The Bread of Life" (R. 75), at 4 o'clock every Sunday the various churches have half-hour programs, covering all the churches of the community that wish to participate. There are evening services by the Presbyterian Church. The church is also used by Father Costello for services by the Gary-Bishop Aldering Settlement House (R. 76).

The Witness Johnson testified that the station had never been operated for profit; all money taken in is used for salaries of employees or talent and not a dollar has been taken for profit, the owners feeling that they are amply paid if good has been done for the community (R. 81).

The Gay Mill Ball Room is owned by the Johnson family, as a dance hall and restaurant. It is announced every fifteen minutes during the summer season. They also have cottages. See (R. 80, 85) and WIBO Exhibits 18-A, 19-A and 20-A (R. 941, 942, 943) being photographs of the Gay Mill Ball Rom, where the transmitter of WJKS is located.

Johnson testified that the purpose in securing more time would be to increase the programs of the same character, the station having demands to fill up every half-hour and every fifteen minutes of the day if given

more time for community programs. Johnson stated that they used phonograph records probably two or three hours a day, principally in the morning (R. 98), and that *from 4 to 7 o'clock in the morning the time was used only occasionally* (R. 94).

Frank Morrow, Program Director of Station WJKS, testified (R. 249 *et seq.*) and introduced copies of the station log, over the objection of counsel for appellants that the originals should be produced (R. 250). The thought behind all programs was to make WJKS a community station (R. 272). The witness testified as to the use of phonograph records (R. 282). The studio staff did not, to the knowledge of the director, pay any talent, and the entertainment was furnished by the regular staff of the station (R. 287). The program director stated that he prepared the programs; that programs were published in Chicago papers, which he had never seen; that he complained to Mr. Johnson and was told that this would be stopped (R. 292, 293). Publication of programs in the Gary Post Tribune did not correspond with the station log (R. 296-298).

The program director stated that spot announcements, under advertising contracts, were made without attention to program arrangements, disrupting programs entirely (R. 299). Such spot announcements were shown to occur approximately every five minutes. (See R. 299-301 and exhibits, R. 765-771.)

Station WIBO.

The program policy of Station WIBO was proved by James R. McPherson, assistant general manager in charge of programs (R. 338 *et seq.*) with the productiion of statiion logs (Exhibit 10-A, 771-909).

The station showed between 300 and 400 program changes a week (R. 339) and was affiliated with the National Broadcasting Company for chain program broadcasting, part of the chain programs being without compensation and part paid for by WIBO to provide better quality and diversification of entertainment. Ten musicians are employed in the station orchestra, and by affiliation with the Publix-Balaban & Katz Theaters the station has access to good talent of great popularity. Symphonic orchestral music is broadcast by remote control from theaters connected with the Publix-Balaban & Katz Theaters, the largest chain of moving picture theaters in Chicago, representing 25,000,000 admissions per annum (R. 340). Theater patrons are invited to tune in on WIBO and WIBO announces brief reviews concerning pictures exhibited throughout the city and refers to the Chicago Evening American reviews (R. 340-41). By affiliation with the Chicago Evening American WIBO programs reach 2,000,000 people per day through the newspaper, which has the largest evening circulation in Chicago (R. 342).

WIBO broadcasts weather and flying information and has given special attention to aviation matters. It uses a daily 15-minute period for health and physical education broadcasts and a similar period for cooking, home economics, home decorations, etc. (R. 342-43). Advertising accounts have been refused because they interferred with allotments of time, because of undesirability of programs, and in the interest of the highest standard of service or because they would be objectionable to listeners. Figures in national and public life have been featured on programs (R. 344). The first public broadcast of operatic per-

formances from the stage of the Chicago Civic Opera was heard over WIBO (R. 344-45).

Nine religious broadcasts occur using ten hours per week (R. 341). Sports broadcasts are thorough, covering baseball games, Northwestern University Football games throughout the season, and the Notre Dame-Army game, together with yachting and other sports (R. 348).

WIBO operates in conjunction with Television Station W9XAO, participates in experiments being conducted by the Western Television Corporation, owners of W9XAO, and assists in the preparation of television programs (R. 349).

Phonograph records are used from one and a half hours to two hours, confined to morning broadcasts. Reference is made to Exhibit WIBO 13-A (R. 910-936) regarding newspaper announcements of WIBO program features, together with photographs of station and broadcasting equipment.

F. M. Russell, Vice President of the National Broadcasting Company, showed that the daily amount of sponsored or commercial programs taken by various N. B. C. outlets in Chicago in a given month was 7 hours and 28 minutes; 8 hours and 4 minutes of sustaining programs; 2 hours and 13 minutes of institutional programs; or a daily average, for March, 1931, of 17 hours and 45 minutes, of which WIBO, one of these outlets, used 2 hours, 36 minutes commercial programs, 2 hours, 19 minutes sustaining programs and 33 minutes institutional programs, or a total of 5 hours, 18 minutes (R. 374). Slightly less than half of the programs originated by the National Broadcasting Company found their way into the city of Chicago by stations operating therein, and it is assumed

that approximately all of the programs, whether sponsored, sustaining, or institutional, instituted by the company, are adapted to the Chicago area (R. 374-5).

WIBO was affiliated with the Chicago Evening American, an evening newspaper having the largest circulation in Chicago and the second largest in the United States, as testified by William J. Clark, Radio Editor (R. 184). The reciprocal arrangement was that the newspaper was to serve the broadcasting station and the station was to announce the newspaper, twice a day in connection with WIBO station announcement, the newspaper to furnish spot news flashes, cooking and household information from its cooking department and laboratory kitchen in the Hearst Building (R. 186). The newspaper furnished market reports, news bulletins, etc. Fifteen minute broadcasts are made by the newspaper's expert on cooking, home economics, etc., and letters from listeners are answered, literature and information sent, etc. (R. 186). The facilities of the Evening American editorial and newsgathering forces were at the command of WIBO (R. 190), with reciprocal advertising.

Spot announcements over WIBO are eleven in a day (R. 366).

Station WPCC.

Station WPCC is licensed for twelve hours on Sunday only, but by an agreement for division of time with WIBO, Station WIBO uses the time from 12:30 to 4:30 o'clock and from 7 to 8 o'clock on Sundays, and in return WPCC, by remote control, broadcasts over the WIBO transmitter, from the church, from 12 to 12:30 o'clock P. M. each day; on Monday from 7

to 7:30 P. M.; on Tuesday from 7:30 to 8 P. M.; and on Friday from 6 to 6:30 P. M. (R. 137).

The Sunday morning program of WPCC furnishes the International Sunday School lesson, followed by the organ, the choir, congregational singing and the sermon. From 6 to 7 o'clock Sunday evening choirs and special singers furnish the program, without speaking, unless some visitor to the city speaks. At 8 o'clock P. M. Sunday the evening service is broadcast, with congregational singing and sermon, and at 9:30 P. M. a request program is furnished, for one hour and a half. The weekday broadcast consists of special musical programs and a fifteen-minute sermon (R. 137). At 12 o'clock occurs, daily, the WPCC class broadcast over the WIBO transmitter. This class consists of thousands of registered members who support the church in relief work and the maintenance of five missionaries in the foreign field. The class has a membership in nine States and Canada.

The Monday evening period includes a sermon on prophecy. Tuesday evening there is an exclusively high-class musical program. On Friday evening there is an evangelistic or Bible exposition for 30 minutes. Politics are excluded; there are no book reviews, and the work is of a spiritual nature and primarily nonsectarian. The preaching is "Old fashioned orthodox." The call letters stand for "We Preach Christ Crucified"; "We Preach Christ Continuously"; and "We Proclaim Christ's Coming" (R. 138).

The church commenced broadcasting in July, 1924 (R. 145). The church was then largely in debt. The church budget is now two to three times what it was before the radio was installed. The church has more than trebled its audiences. It is engaged in charitable

and relief work. The station experimented with broadcasting in foreign languages, but found that it was a failure; and Rev. J. C. O'Hair, manager of the Radio station, testified that he did not believe it could be successfully worked in any district. In Chicago there is a greater number of foreigners than in Gary. He said he was not overstating the fact when he said that 20 per cent of the church's radio income originates with foreign born people who seek to support the work (R. 140-141). The church disbursed in regular work between $42,000 and $43,000 in 1930 (R. 142). There are twenty radio stations in Chicago, broadcasting about 60 religious hours total on Sunday; but during the week, of 512 hours, or approximately 500 hours broadcasting, there are no weekday spiritual programs except WPCC's broadcasts over WIBO. WMBI, Moody Bible Institute, Addison, Ill., broadcasts religious programs, but only in the daytime, with no evening hours. WPCC maintains the only charitable relief. The Moody Bible Institute has 3,600 missionaries from among their graduates in the foreign field, trained in their school, many of whom are interested in the work as the result of radio broadcasting, but the Moody Bible Institute does not undertake to support such missionaries. WPCC supports its missionaries through its radio listeners (R. 143-144).

SUPREME COURT OF THE UNITED STATES.

Nos. 657, 658, 659 and 660.—October Term, 1932.

Federal Radio Commission, Petitioner, 657 *vs.* Nelson Brothers Bond & Mortgage Company (Station WIBO). Federal Radio Commission, Petitioner, 658 *vs.* North Shore Church (Station WPCC). Federal Radio Commission and Johnson-Kennedy Radio Corporation (Station WJKS), Petitioners, 659 *vs.* Nelson Brothers Bond & Mortgage Company (Station WIBO). Federal Radio Commission and Johnson-Kennedy Radio Corporation (Station WJKS), Petitioners, 660 *vs.* North Shore Church (Station WPCC).	On Writs of Certiorari to the Court of Appeals of the District of Columbia.

[May 8, 1933.]

Mr. Chief Justice Hughes delivered the opinion of the Court.

The Johnson-Kennedy Radio Corporation, owning Station WJKS at Gary, Indiana, applied to the Federal Radio Commission for modification of license so as to permit operation, with unlimited time, on the frequency of 560 kc. then assigned for the use of Station WIBO, owned by Nelson Brothers Bond & Mortgage Company, and Station WPCC, owned by the North Shore Church, both at Chicago, Illinois. These owners appeared before the chief examiner who, after taking voluminous testimony, recommended that the application be denied. The applicant filed exceptions and, on consideration of the evidence, the Commission granted the appli-

cation and directed a modified license to issue to the applicant authorizing the operation of Station WJKS on the frequency of 560 kc. and terminating the existing licenses theretofore issued for Stations WIBO and WPCC. On appeal, the Court of Appeals of the District of Columbia reversed the Commission's decision upon the ground that it was "in a legal sense arbitrary and capricious". 62 F. (2d) 854. This Court granted certiorari, 288 U. S. —.

The action of the Commission was taken under section 9 of the Radio Act of 1927 (c. 169, 44 Stat. 1166), as amended by section 5 of the Act of March 28, 1928, c. 263, 45 Stat. 373; 47 U. S. C. 89.[1] The findings of fact upon which the Commission based its order included the following:

Gary, Indiana, about 30 miles from Chicago, is the largest steel center in the world. It has a population of approximately 110,000 and is located in what is known as the Calumet region which has a population of about 800,000, sixty per cent of whom are foreign

[1]Section 5 of the Act of March 28, 1928, 45 Stat. 373, is as follows:

"Sec. 5. The second paragraph of section 9 of the Radio Act of 1927 is amended to read as follows:

"It is hereby declared that the people of all the zones established by section 2 of this Act are entitled to equality of radio broadcasting service, both of transmission and of reception, and in order to provide said equality the licensing authority shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power, to each of said zones when and in so far as there are applications therefor; and shall make a fair and equitable allocation of licenses, wave lengths, time for operation, and station power to each of the States, the District of Columbia, the Territories and possessions of the United States within each zone, according to population. The licensing authority shall carry into effect the equality of broadcasting service hereinbefore directed, whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewals of licenses: *Provided*, That if and when there is a lack of applications from any zone for the proportionate share of licenses, wave lengths, time of operation, or station power to which such zone is entitled, the licensing authority may issue licenses for the balance of the proportion not applied for from any zone, to applicants from other zones for a temporary period of ninety days each, and shall specifically designate that said apportionment is only for said temporary period. Allocations shall be charged to the State, District, Territory, or possession wherein the studio of the station is located and not where the transmitter is located."

born and represent over fifty nationalities. Station WJKS is the only radio station in Gary and the programs it broadcasts are well designed to meet the needs of the foreign population. These programs include "broadcasts for Hungarian, Italian, Mexican, Spanish, German, Russian, Polish, Croatian, Lithuanian, Scotch and Irish people", and "are musical, educational and instructive in their nature and stress loyalty to the community and the Nation". Programs are arranged and supervised "to stimulate community and racial origin pride and rivalry and to instruct in citizenship and American ideals and responsibilities". "Special safety prevention talks" are given for workingmen, explaining the application of new safeguards of various types of machinery used in the steel mills. The children's hour utilizes selections from various schools. There are "good citizenship talks" weekly by civic leaders. The facilities of the station are made available to the local police department and to all fraternal, charitable and religious organizations in the Calumet region, without charge. Sunday programs consist mainly "of church service broadcasts" including all churches and denominations desiring to participate. Although the Calumet area is served by a station at Fort Wayne and by several stations in Chicago, Station WJKS "is the only station which serves a substantial portion of the area with excellent or even good service". While Station WJKS "delivers a signal of sufficient strength to give good reception in its normal service area if not interfered with, heterodyne and cross-talk interference exist to within three miles of the transmitter and constant objection to interference is found in the good service area of the station, particularly to the south, southeast and east". This interference has increased during the past two years.

Station WIBO is operated by Nelson Brothers Bond & Mortgage Company separately from its mortgage and real estate business. It employs 55 persons and its total monthly expenses average $17,000. In March, 1931, it earned a net profit of $9,000. It represents a total cost of $346,362.99 less a reserve for depreciation of $54,627.36, and has been operated since April, 1925. Station WIBO was licensed to share time with Station WPCC, the latter being authorized to operate on Sundays during stated hours and by agreement has operated on certain week days in exchange for Sunday hours.

The licenses for Stations WIBO and WPCC, effective from September 1, 1931, to March 1, 1932, were issued upon the following condition: "This license is issued on a temporary basis and subject to such action as the Commission may take after hearing on the application filed by Station WJKS, Gary, Indiana, for the frequency 560 kc. No authority contained herein shall be construed as a finding by the Federal Radio Commission that the operation of this station is or will be in the public interest beyond the term hereof".

The programs broadcast by Station WIBO include a large number of chain programs originating in the National Broadcasting network and are almost entirely commercial in their nature. The same general type of programs broadcast by WIBO, including National Broadcasting chain programs, are received in the service area of WIBO from many other stations located in the Chicago district.

Station WPCC, owned by the North Shore Church, has programs made up entirely of sermons, religious music and talks relating to the work and interests of the church. Contributions are solicited for the use of the church and to advance the matters in which it is interested; it is not used by other denominations or societies. "Other stations in Chicago, including WMBI, owned by the Moody Bible Institute, devoting more time to programs of a religious nature than WPCC, are received in the service area of that station".

"The State of Indiana is 2.08 units or 22 per cent under-quota in station assignments and the State of Illinois is 12.49 units or 55 per cent over-quota in such assignments. The Fourth Zone, in which both States are located, is 21.00 units or 26 per cent over-quota in station assignments. The granting of this application and deletion of WIBO and WPCC would reduce the over-quota status of the State of Illinois and the Fourth Zone by .88 unit and .45 unit, respectively, and would increase the quota of Indiana by .43 unit".

Summarizing the grounds of its decision, the Commission found:

"1. The applicant station (WJKS) now renders an excellent public service in the Calumet region and the granting of this application would enable that station to further extend and enlarge upon that service.

"2. The deletion of Stations WIBO and WPCC would not deprive the persons within the service areas of those stations of any type of programs not now received from other stations.

"3. Objectionable interference is now experienced within the service area of WJKS through the operation of other stations on the same and adjacent frequencies.

"4. The granting of this application and deletion of Stations WIBO and WPCC would not increase interference within the good service areas of any other stations.

"5. The granting of this application and deletion of Stations WIBO and WPCC would work a more equitable distribution of broadcasting facilities within the Fourth Zone, in that there would be an increase in the radio broadcasting facilities of Indiana which is now assigned less than its share of such facilities and a decrease in the radio broadcasting facilities of Illinois which is now assigned more than its share of such facilities.

"6. Public interest, convenience and/or necessity would be served by the granting of this application".

The Court of Appeals was divided in opinion. The majority pointed out that the Court had repeatedly held that "it would not be consistent with the legislative policy to equalize the comparative broadcasting facilities of the various states or zones by unnecessarily injuring stations already established which are rendering valuable service to their natural service areas"; and they were of opinion that the evidence showed that Stations WIBO and WPCC had been "serving public interest, convenience and necessity certainly to as great an extent as the applicant station" and that "the conclusively established and admitted facts" furnished no legal basis for the Commission's decision. The minority of the Court took the view that the Court was substituting its own conclusions for those of the Commission, that the Commission had acted within its authority, and that its findings were sustained by the evidence.

First. Respondents challenge the jurisdiction of this Court. They insist that the decision of the Court of Appeals is not a 'judicial judgment'; that, for the purpose of the appeal to it, the Court of Appeals is merely a part of the machinery of the Radio Commission and that the decision of the Court is an administrative decision. Respondents further insist that if this Court examines the record, its decision "would not be a judgment, or permit of a judgment to be made in any lower court, but would permit only consummation of the administrative function of issuing or withholding a permit to operate the station".

Under section 16 of the Radio Act of 1927, the Court of Appeals, on appeal from decisions of the Radio Commission, was directed to "hear, review, and determine the appeal" upon the record made before the Commission, and upon such additional evidence as the Court might receive, and was empowered to "alter or revise the decision appealed from and enter such judgment as to it may seem just". 44 Stat. 1169. This provision made the Court "a superior and revising agency" in the administrative field and consequently its decision was not a judicial judgment reviewable by this Court. *Federal Radio Commission* v. *General Electric Co.*, 281 U. S. 464, 467. The province of the Court of Appeals was found to be substantially the same as that which it had, until recently, on appeals from administrative decisions of the Commissioner of Patents. While the Congress can confer upon the courts of the District of Columbia such administrative authority, this Court cannot be

invested with jurisdiction of that character whether for the purpose of review or otherwise. It cannot give decisions which are merely advisory, nor can it exercise functions which are essentially legislative or administrative. *Id.*, pp. 468, 469. *Keller* v. *Potomac Electric Power Co.*, 261 U. S. 428, 442-444; *Postum Cereal Co.* v. *California Fig Nut Co.*, 272 U. S. 693, 700.

In the light of the decision in the *General Electric* case, *supra*, the Congress, by the Act of July 1, 1930, c. 788, amended section 16 of the Radio Act of 1927 so as to limit the review by the Court of Appeals. 46 Stat. 844; 47 U. S. C. 96.[2] That review is now expressly limited to "questions of law" and it is provided "that findings of fact by the commission, if supported by substantial evidence, shall be conclusive unless it shall clearly appear that the findings of the Commission are arbitrary or capricious". This limitation is in sharp contrast with the previous grant of authority. No longer is the Court entitled to revise the Commission's decision and to enter such judgment as the Court may think just. The limitation manifestly demands judicial, as distinguished from administrative, review. Questions of law form the appropriate subject of judicial determinations. Dealing with activities admittedly

[2]By this amendment, section 16 (d) reads as follows:

"At the earliest convenient time the court shall hear and determine the appeal upon the record before it, and shall have power, upon such record, to enter a judgment affirming or reversing the decision of the commission, and, in event the court shall render a decision and enter an order reversing the decision of the commission, it shall remand the case to the commission to carry out the judgment of the court: *Provided, however,* That the review by the court shall be limited to questions of law and that findings of fact by the commission, if supported by substantial evidence, shall be conclusive unless it shall clearly appear that the findings of the commission are arbitrary or capricious. The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under section 347 of title 28 of the Judicial Code by appellant, by the commission, or by any interested party intervening in the appeal". 46 Stat. 844; 47 U. S. C. 96.

In reporting this amendment, the Committee on the Merchant Marine and Fisheries of the House of Representatives stated: "The purpose of the amendment is to clarify the procedure on appeal to the court from decisions of the Federal Radio Commission, to more clearly define the scope of the subject matter of such appeals, and to insure a review of the decision of the Court of Appeals of the District of Columbia by the Supreme Court". H. R. Rep. No. 1665, 71st Cong., 2d Sess., p. 2.

within its regulatory power, the Congress established the Commission as its instrumentality to provide continuous and expert supervision and to exercise the administrative judgment essential in applying legislative standards to a host of instances. These standards the Congress prescribed. The powers of the Commission were defined, and definition is limitation. Whether the Commission applies the legislative standards validly set up, whether it acts within the authority conferred or goes beyond it, whether its proceedings satisfy the pertinent demands of due process, whether, in short, there is compliance with the legal requirements which fix the province of the Commission and govern its action, are appropriate questions for judicial decision. These are questions of law upon which the Court is to pass. The provision that the Commission's findings of fact, if supported by substantial evidence, shall be conclusive unless it clearly appears that the findings are arbitrary or capricious, cannot be regarded as an attempt to vest in the Court an authority to revise the action of the Commission from an administrative standpoint and to make an administrative judgment. A finding without substantial evidence to support it—an arbitrary or capricious finding—does violence to the law. It is without the sanction of the authority conferred. And an inquiry into the facts before the Commission, in order to ascertain whether its findings are thus vitiated, belongs to the judicial province and does not trench upon, o involve the exercise of, administrative authority. Such an examination is not concerned with the weight of evidence or with the wisdom or expediency of the administrative action. *Interstate Commerce Commission* v. *Illinois Central R. R. Co.*, 215 U. S. 452, 470; *Interstate Commerce Commission* v. *Union Pacific R. R. Co.*, 222 U. S. 541, 547, 548; *New England Divisions Case*, 261 U. S. 184, 203, 204; *Keller* v. *Potomac Electric Power Co., supra; The Chicago Junction Case*, 264 U. S. 258, 263, 265; *Silberschein* v. *United States*, 266 U. S. 221, 225; *Ma-King Products Co.* v. *Blair*, 271 U. S. 479, 483; *Federal Trade Commission* v. *Klesner*, 280 U. S. 19, 30; *Tagg Bros.* v. *United States*, 280 U. S. 420, 442; *Federal Trade Commission* v. *Raladam Co.*, 283 U. S. 643, 654; *Crowell* v. *Benson*, 285 U. S. 22, 49, 50.

If the questions of law thus presented were brought before the Court by suit to restrain the enforcement of an invalid administrative order, there could be no question as to the judicial character

of the proceeding. But that character is not altered by the mere fact that remedy is afforded by appeal. The controlling question is whether the function to be exercised by the Court is a judicial function, and, if so, it may be exercised on an authorized appeal from the decision of an administrative body. We must not "be misled by a name, but look to the substance and intent of the proceeding". *United States* v. *Ritchie*, 17 How. 525, 534; *Stephens* v. *Cherokee Nation*, 174 U. S. 445, 479; *Federal Trade Commission* v. *Eastman Co.*, 274 U. S. 619, 623; *Old Colony Trust Co.* v. *Commissioner*, 279 U. S. 716, 722-724. "It is not important", we said in *Old Colony Trust Co.* v. *Commissioner, supra*, "whether such a proceeding was originally begun by an administrative or executive determination, if when it comes to the court, whether legislative or constitutional, it calls for the exercise of only the judicial power of the court upon which jurisdiction has been conferred by law". Nor is it necessary that the proceeding to be judicial should be one entirely *de novo*. When on the appeal, as here provided, the parties come before the Court of Appeals to obtain its decision upon the legal question whether the Commission has acted within the limits of its authority, and to have their rights, as established by law, determined accordingly, there is a case or controversy which is the appropriate subject of the exercise of judicial power. The provision that, in case the Court reverses the decision of the Commission, "it shall remand the case to the Commission to carry out the judgment of the Court" means no more than that the Commission in its further action is to respect and follow the Court's determination of the questions of law. The procedure thus contemplates a judicial judgment by the Court of Appeals and this Court has jurisdiction, on certiorari, to review that judgment in order to determine whether or not it is erroneous. *Osborn* v. *United States Bank*, 9 Wheat. 738, 819; *In re Pacific Railway Commission*, 32 Fed. 241, 255; *Federal Trade Commission* v. *Klesner, supra; Federal Trade Commission* v. *Raladam Co., supra; Old Colony Trust Co.* v. *Commissioner, supra.*

Second. In this aspect, the questions presented are (1) whether the Commission, in making allocations of frequencies or wave lengths to States within a zone, has power to license operation by a station in an 'under-quota' State on a frequency theretofore assigned to a station in an 'over-quota' State, and to terminate the license of the latter station; (2) whether, if the Commission has

this power, its findings of fact sustain its order in the instant case, in the light of the statutory requirements for the exercise of the power, and, if so, whether these findings are supported by substantial evidence; and (3) whether, in its procedure, the Commission denied to the respondents any substantial right.

(1.) No question is presented as to the power of the Congress, in its regulation of interstate commerce, to regulate radio communications. No state lines divide the radio waves, and national regulation is not only appropriate but essential to the efficient use of radio facilities. In view of the limited number of available broadcasting frequencies, the Congress has authorized allocation and licenses. The Commission has been set up as the licensing authority and invested with broad powers of distribution in order to secure a reasonable equality of opportunity in radio transmission and reception.

The Radio Act divides the United States into five zones, and Illinois and Indiana are in the Fourth Zone. Sec. 2; 47 U. S. C. 82. Except as otherwise provided in the Act, the Commission "from time to time, as public convenience, interest, or necessity requires", is directed to "assign bands of frequency or wave lengths to the various classes of stations and assign frequencies or wave lengths for each individual station and determine the power which each station shall use and the time during which it may operate", and to "determine the location of classes of stations or individual stations". Sec. 4 (c) (d); 47 U. S. C. 84. By section 9, as amended in 1928, the Congress declared that the people of all the zones "are entitled to equality of radio broadcasting service, both of transmission and of reception", and that "in order to provide said equality the licensing authority shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power, to each of said zones when and in so far as there are applications therefor"; and the Commission is further directed to "make a fair and equitable allocation of licenses, wave lengths, time for operation and station power to each of the States, . . . within each zone, according to population"; and the Commission is to "carry into effect the equality of broadcasting service, . . . whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation and by increasing or decreasing

station power when applications are made for licenses or renewals of licenses". Sec. 9; 47 U. S. C. 89.[3]

By its General Order No. 40, of August 30, 1928,[4] the Commission established a basis for the equitable distribution of broadcasting facilities in accordance with the Act. That order, as amended, provided for the required apportionment by setting aside a certain number of frequencies for use by stations operating on clear channels for distant service, and other frequencies for simultaneous use by stations operating in different zones, each station serving a regional area, and still others for use by stations serving city or local areas. These three classes of stations have become known as "clear, regional, and local channel stations". A new allocation of frequencies, power and hours of operation, was made in November, 1928,[5] to conform to the prescribed classification. It was found to be impracticable to determine the total value of the three classes of assignments so that it could be ascertained whether a State was actually "under or over quota on total radio facilities", and the Commission developed a "unit system" in order "to evaluate stations, based on type of channel, power and hours of operation, and all other considerations required by law". In June, 1930, the Commission issued its General Order No. 92[6] specifying the "unit value" of stations of various types, and in this way the Commission was able to make a tabulation by zones and States showing the "units due", based on estimated population, and the "units assigned". This action called for administrative judgment, and no ground is shown for assailing it. It appears that, with respect to total broadcasting facilities, Indiana is "under quota" and Illinois is "over quota" in station assignments.

Respondents contend that the Commission has departed from the principle set forth in its General Order No. 92, because it has ignored the fact that, both Indiana and Illinois being under quota in regional station assignments, Indiana has more of such assignments in proportion to its quota than has Illinois, and by ordering the deletion of regional stations in Illinois in favor of an Indiana station, the Commission has violated the command of

[3]See Note 1.

[4]Report, 1928, Federal Radio Commission, pp. 17, 48.

[5]Id., pp. 18, 215-218.

[6]Report, 1930, Federal Radio Commission, pp. 4, 24.

Congress, by increasing the under quota condition of Illinois in favor of the already superior condition of Indiana with respect to stations of that type. We find in the Act no command with the import upon which respondents insist. The command is that there shall be a "fair and equitable allocation of licenses, wave lengths, time for operation and station power to each of the States within each zone". It cannot be said that this demanded equality between States with respect to every type of station. Nor does it appear that the Commission ignored any of the facts shown by the evidence. The fact that there was a disparity in regional station assignments, and that Indiana had more of this type than Illinois, could not be regarded as controlling. In making its "fair and equitable allocations", the Commission was entitled and required to consider all the broadcasting facilities assigned to the respective States, and all the advantages thereby enjoyed, and to determine whether, in view of all the circumstances of distribution, a more equitable adjustment would be effected by the granting of the application of Station WJKS and the deletion of Stations WIBO and WPCC.

To accomplish its purpose, the statute authorized the Commission to effect the desired adjustment "by granting or refusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power". This broad authority plainly extended to the deletion of existing stations if that course was found to be necessary to produce an equitable result. The context, as already observed, shows clearly that the Congress did not authorize the Commission to act arbitrarily or capriciously in making a redistribution, but only in a reasonable manner to attain a legitimate end. That the Congress had the power to give this authority to delete stations, in view of the limited radio facilities available and the confusion that would result from interferences, is not open to question. Those who operated broadcasting stations had no right superior to the exercise of this power of regulation. They necessarily made their investments and their contracts in the light of, and subject to, this paramount authority. This Court has had frequent occasion to observe that the power of Congress in the regulation of interstate commerce is not fettered by the necessity of maintaining existing arrangements which would conflict with the execution of its policy, as such a restriction would place the regulation in the hands of

private individuals and withdraw from the control of Congress so much of the field as they might choose by prophetic discernment to bring within the range of their enterprises. *Union Bridge Co.* v. *United States*, 204 U. S. 364, 400, 401; *Philadelphia Company* v. *Stimson*, 223 U. S. 605, 634, 638; *Philadelphia, Baltimore & Washington R. R. Co.* v. *Schubert*, 224 U. S. 603, 613, 614; *Greenleaf Lumber Co.* v. *Garrison*, 237 U. S. 251, 260; *Continental Insurance Co.* v. *United States*, 259 U. S. 156, 171; *Sproles* v. *Binford*, 286 U. S. 374, 390, 391; *Stephenson* v. *Binford*, 287 U. S. 251, 276; *City of New York* v. *Federal Radio Commission*, 36 F. (2d) 115; 281 U. S. 729; *American Bond & Mortgage Co.* v. *United States*, 52 F. (2d) 318; 285 U. S. 538; *Trinity Methodist Church, South* v. *Federal Radio Commission*, 62 F. (2d) 850; 288 U. S. —.

Respondents urge that the Commission has misconstrued the Act of Congress by apparently treating allocation between States within a zone as subject to the mandatory direction of the Congress relating to the zones themselves. Respondents say that as to zones Congress requires an "equal" allocation, but as between States only "a fair and equitable" allocation, and that the provision "for granting or refusing licenses or renewals of licenses" relates to the former and not to the latter. It is urged that this construction is fortified by the proviso in section 9 as to temporary permits for zones.[7] We think that this attempted distinction is without basis. The Congress was not seeking in either case "an exact mathematical division".[8] It was recognized that this might be physically impossible. The equality sought was not a mere matter of geographical delimitation. The concern of the Congress was with the interests of the people,—that they might have a reasonable equality of opportunity in radio transmission and reception, and this involved an equitable distribution not only as between zones but as between States as well. And to construe the authority conferred, in relation to the deletion of stations, as being applicable only to an apportionment between zones and not between States, would defeat the manifest purpose of the Act.

We conclude that the Commission, in making allocations of frequencies to States within a zone, has the power to license operation by a station in an under-quota State on a frequency thereto-

[7]See Note 1.

[8]Report of the Committee on the Merchant Marine and Fisheries, H. R. Rep. No. 800, 70th Cong. 1st sess., p. 3.

fore assigned to a station in an over-quota State, provided the Commission does not act arbitrarily or capriciously.

(2) Respondents contend that the deletion of their stations was arbitrary, in that they were giving good service, that they had not failed to comply with any of the regulations of the Commission, and that no proceeding had been instituted for the revocation of their licenses as provided in section 14 of the Act. 47 U. S. C., 94. That section permits revocation of particular licenses by reason of false statements or for failure to operate as the license required or to observe any of the restrictions and conditions imposed by law or by the Commission's regulations. There is, respondents say, no warrant in the Act for a "forfeiture" such as that here attempted. But the question here is not with respect to revocation under section 14, but as to the equitable adjustment of allocations demanded by section 9. The question is not simply as to the service rendered by particular stations, independently considered but as to relative facilities,—the apportionment as between States. At the time of the proceeding in question respondents were operating under licenses running from September 1, 1931, to March 1, 1932, and which provided in terms that they were issued "on a temporary basis and subject to such action as the Commission may take after hearing on the application filed by Station WJKS" for the frequency 560 kc. Charged with the duty of making an equitable distribution as between States, it was appropriate for the Commission to issue temporary licenses with such a reservation in order to preserve its freedom to act in the light of its decision on that application. And when decision was reached, there was nothing either in the provisions of section 14, or otherwise in the Act, which precluded the Commission from terminating the licenses in accordance with the reservation stipulated.

In granting licenses the Commission is required to act "as public convenience, interest or necessity requires." This criterion is not to be interpreted as setting up a standard so indefinite as to confer an unlimited power. Compare *N. Y. Central Securities Co.* v. *United States*, 287 U. S. 12, 24. The requirement is to be interpreted by its context, by the nature of radio transmission and reception, by the scope, character and quality of services, and, where an equitable adjustment between States is in view, by the relative advantages in service which will be enjoyed by the public through

the distribution of facilities. In making such an adjustment the equities of existing stations undoubtedly demand consideration. They are not to be the victims of official favoritism. But the weight of the evidence as to these equities and all other pertinent facts is for the determination of the Commission in exercising its authority to make a "fair and equitable allocation".

In the instant case the Commission was entitled to consider the advantages enjoyed by the people of Illinois under the assignments to that State, the services rendered by the respective stations, the reasonable demands of the people of Indiana, and the special requirements of radio service at Gary. The Commission's findings show that all these matters were considered. Respondents say that there had been no material change in conditions since the general reallocation of 1928. But the Commission was not bound to maintain that allocation if it appeared that a fair and equitable distribution made a change necessary. Complaint is also made that the Commission did not adopt the recommendations of its examiner. But the Commission had the responsibility of decision and was not only at liberty but was required to reach its own conclusions upon the evidence.

We are of the opinion that the Commission's findings of fact, which we summarized at the outset, support its decision, and an examination of the record leaves no room for doubt that these findings rest upon substantial evidence.

(3) Respondents raise a further question with respect to the procedure adopted by the Commission. In January, 1931, the Commission issued its General Order No. 102[9] relating to applications from under quota States. This order provided, among other things, that "applications from under-quota States in zones which have already allocated to them their pro rata share of radio facilities should be for a facility already in use in that zone by an over-quota State", and that, since the Commission had allocated frequencies for the different classes of stations, "applications should be for frequencies set aside by the Commission for the character of station applied for". Respondents insist that these requirements foreclosed the exercise of discretion by the Commission by permitting the applicant to select the station and the facilities which it desired; that this "naked action of the applicant" precluded the

[9]Report, 1931, Federal Radio Commission, p. 91.

Commission from "giving general consideration to the field" and from making that fair and equitable allocation which is the primary command of the statute. We think that this argument misconstrues General Order No. 102. That order is merely a rule of procedural convenience, requiring the applicant to frame a precise proposal and thus to present a definite issue. The order in no way derogates from the authority of the Commission. While it required the applicant to state the facilities it desires, there was nothing to prevent respondents from contesting the applicant's demand upon the ground that other facilities were available and should be granted in place of those which the applicant designated. If such a contention had been made, there would have been no difficulty in bringing before the Commission other stations whose interests might be drawn in question. There is no showing that the respondents were prejudiced by the operation of the order in question.

Respondents complain that they were not heard in argument before the Commission. They were heard before the examiner and the evidence they offered was considered by the Commission. The exceptions filed by the applicant to the examiner's report were filed and served upon the respondents in August, 1931, and the decision of the Commission was made in the following October. While the request of the applicant for oral argument was denied, it does not appear that any such request was made by respondents or that they sought any other hearing than that which was accorded.

We find no ground for denying effect to the Commission's action. The judgment of the Court of Appeals is reversed and the cause is remanded with direction to affirm the decision of the Commission.

It is so ordered.

A true copy.

Test:

Clerk, Supreme Court, U. S.